

Submission 454 (David G. Valadao, Assembly California Legislature, September 23, 2011)

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09-23-11P03:56
Assembly
California Legislature



DAVID G. VALADAO
ASSEMBLYMAN, THIRTIETH DISTRICT

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BUDGET SUBCOMMITTEE #3:
RESOURCES
ELECTIONS & REDISTRICTING
ENVIRONMENTAL SAFETY & TOXIC
MATERIALS
UTILITIES & COMMERCE

September 26, 2011

Mr. Roelof van Ark
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: EIR / EIS Comment Period Extension Request UPDATE

Dear Mr. van Ark:

This letter is a follow up to a letter I sent last week regarding the EIR / EIS Comment period.

I had originally asked for a 30 day extension in the time allotted for public comment on the high speed rail route for the draft Environmental Impact Reports / Statements (EIR / EIS).

In light of last week's public hearings in the Central Valley and an outcry from many of my constituents, I am now asking that the period be extended from the current 60 day allotment to 180 days or 6 months.

Given the scope of this project and the sheer number of documents that require review, I believe such an extension is a reasonable request.

The draft Environmental Impact Report is over 3,300 pages and the official public comment period is scheduled to end on October 13, 2011. Since this is the largest infrastructure project in California's history and there will be tremendous impacts to farmers and homeowners, 6 months to review the project would be beneficial to everybody involved.

Thank you for your time. Please do not hesitate to contact me if you have any questions.

Sincerely,

David G. Valadao
Assemblyman, 30th District

454-1

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Response to Submission 454 (David G. Valadao, Assembly California Legislature, September 23, 2011)

454-1

See MF-Response-GENERAL-7.

Submission 319 (Cathleen Galgiani, Assembly California Legislature, September 14, 2011)

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319-1

September 14, 2011

California High-Speed Rail Authority and the Federal Railroad Administration
Merced to Fresno Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

Statement to High-Speed Rail Draft Environmental Report Public Hearing – Merced

I would like to welcome the California High-Speed Rail Authority and the Federal Railroad Administration to Merced to take comments on the Draft EIR/EIS for the Merced to Fresno segment.

I am pleased to represent the Merced community which has been actively engaged in the planning process for the California High Speed Rail for over ten years. The Greater Merced High Speed Rail Committee which was founded almost a decade ago has representatives from the business and agricultural community, the County of Merced, the cities of Merced and Atwater, Merced College and the University of California, Merced.

The Merced Committee has actively participated in the planning process with the High Speed Rail Authority and High Speed Rail project hearings in the Legislature for many years. Most recently, the Committee helped develop community consensus on the Route alternative A-2 which has the least impact on our vital agricultural industry.

I was first introduced to the planning of the California project by members of the Committee nine years ago. I have since become a strong advocate of High Speed Rail for California and in 2008 I authored the California High Speed Rail Bond Act which was passed by the voters in November of that year.

California with its diverse economy and burgeoning population needs a fast and accessible transportation system to connect its population centers without adding to the air quality problems in the LA basin and the San Joaquin Valley. The High Speed Rail is needed to connect Los Angeles to San Francisco and ultimately San Diego to Sacramento without building more thousands of miles of freeway lanes or more airport runways.

Perhaps more important is connecting the approximately five million people of the Central Valley (Bakersfield to Sacramento) to the greater population centers and their economic opportunities. The lack of transportation options and connectivity has seriously limited the economic development of the San Joaquin Valley which has some of the highest unemployment and poverty in the nation.

The High Speed Rail project will be one of the most significant long term steps to improve the air quality in the San Joaquin Valley. The ever increasing automobile and truck traffic on Highway 99 and Interstate 5 connecting Northern and Southern California contribute heavily to the present air quality problems.

High Speed Rail will be very compatible with California's and the nation's newest research university, the University of California at Merced. UC Merced now has approximately five thousand students and plans to grow to a population of twenty-five thousand by 2035. About one-third of these students come from each of three parts of the state, Southern California, the Bay Area and throughout the Central Valley. The students, the university faculty and employees and all of their families have few transportation options other than to drive private vehicles, many at great distances to travel back and forth between their homes and Merced.

Finally, but probably most critical in this time of economic stagnation, is the opportunity for desperately needed jobs and economic stimulus that this project will bring to California and the Central Valley. I believe that the California High Speed Rail project will be the beginning of California's economic recovery.

I thank you for your consideration of this important matter and will reserve the opportunity to submit further comments in writing.

Sincerely,

Cathleen Galgiani
Assemblymember, 17th District

319-1

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Response to Submission 319 (Cathleen Galgiani, Assembly California Legislature, September 14, 2011)

319-1

Comments acknowledged.

Submission 457 (Yuko Sakano, California Department of Conservation, September 30, 2011)

NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

801 K STREET • MS 20-20 • SACRAMENTO, CALIFORNIA 95814

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September 28, 2011

C9-30-11P04:46 RCVD

Mr. Dan Leavitt
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Dear Mr. Leavitt:

DRAFT ENVIRONMENTAL IMPACT REPORTS AND DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR CALIFORNIA HIGH-SPEED TRAIN PROJECT MERCED TO FRESNO (SCH# 2009091125) AND FRESNO TO BAKERSFIELD (SCH# 2009091126)

The Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the Draft Environmental Impact Reports/Environmental Impact Statements (DEIR/EIS) prepared for the above referenced projects. Our comments are as follows.

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The scope and content of information that is germane to the Division's responsibility are contained in PRC Section 3000 et seq., and administrative Regulations under Title 14, Chapter 4 of the CCR.

The DEIR/EIS has addressed the oil, gas, and geothermal resources located along the project alternatives. While considering the corridors designed for these two projects, with the help from your consultants, Bryan Porter and Christopher Bente, providing us the geographic information system map layers of your proposed project areas, we overlaid them with Division's well database and mapping system and identified the following findings:

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

457-1

Mr. Dan Leavitt
September 28, 2011
Page Two

- The proposed general High Speed Train (HST) corridor for the Merced to Fresno Project encompasses the administrative field boundaries of the Chowchilla Field and a total of 60 oil/gas wells inside and outside of this field.
- The proposed general HST corridor for the Fresno to Bakersfield Project encompasses a total of 22 oil and gas fields, comprising two Division district offices in Coalinga (District 5) and Bakersfield (District 4). The following list of oil fields is in alphabetical order:

- Bellevue
- Edison
- English Colony
- Fruitvale
- Garrison City (Gas Field - Abandoned)
- Greeley
- Hanford (Abandoned)
- Kern Bluff
- Kern Front
- Kern River
- North Shafter
- Poso Creek
- Rio Bravo
- Rose
- Rosedale
- Rosedale Ranch
- Seventh Standard
- Shafter (Abandoned)
- Shafter Southeast (Abandoned)
- Trico
- Union Avenue
- Wasco

The Division's Online Mapping System (DOMS) is available to the public to locate well locations, oil field boundaries, and some well files online. To visit DOMS go to: <http://maps.conservation.ca.gov/doms/doms-app.html>. Please note, most wells locations are not identified by accurate longitude and latitude. The Division recommends that all existing well sites and oil production facilities within or in close proximity to proposed project corridors be accurately plotted on future project maps and that wells files (either online or available in the district offices) be carefully studied by engineers and/or geologists with oil/gas experience before the commencement of any construction of the proposed projects.

457-1

Submission 457 (Yuko Sakano, California Department of Conservation, September 30, 2011) - Continued

Mr. Dan Leavitt
 September 28, 2011
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457-2

The following table identifies the total number of wells for the proposed general High Speed Train (HST) corridor for the Merced to Fresno and Fresno to Bakersfield Project.

Status of well	Merced to Fresno Project	Fresno to Bakersfield Project
Active	60	5,235
Idle	0	1,612
Plugged and Abandoned	0	3,347
Dry hole and others (e.g. observation hole)	0	898
TOTAL	60	11,092

Safety

According to the California Code of Regulations (CCR), Title 14, Chapter 4, Article 2, Section 1720, any well within 100 feet of any rail of an operating railway that is in general use is deemed a critical well. Critical wells require additional measures, such as higher blowout prevention equipment (BOPE) than non-critical wells based on pressure testing and rating. The Division recommends that adequate safety measures be taken by the project manager to prevent the public from having access to oil wells, facilities, and any field equipment. Wells may need to be retrofitted with safety shut-down devices. Additional safety measures should be considered when appropriate.

Written approval from the Division is required prior to changing the physical condition of any well. This includes removal of the well cap for plugged and abandoned wells for purpose of gas leak testing. A notice of intention (notice) to perform any well drilling, re-work and abandonments must be submitted for the Division for purpose of conducting an engineering and geological review of the proposal. Any proposed alteration of existing wells will be considered for permitting by the Division based upon the following: protecting all subsurface hydrocarbons and fresh waters; protection of the environment; using adequate blowout prevention equipment; and utilizing required drilling and cementing techniques. The Division must be notified to witness or inspect all operations specified in the approval of any notice. This includes tests and inspections of blowout-prevention equipment, reservoir and freshwater protection measures, and well-plugging operations.

If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district offices must be contacted to obtain information on the requirements for and approval to perform remedial operations. The Division recommends that no structure be built over or in proximity to an abandoned well location in order for access to be maintained in the event of the need for future abandonments (including wells already plugged and abandoned). The Public Resources Code, Division 3, Section 3208.1 (a), authorizes the Supervisor to order the re-abandonment of a previously abandoned well when there is reason to question the integrity of the previous

Mr. Dan Leavitt
 September 28, 2011
 Page Four

abandonment. The cost of re-abandonment will depend largely on whether an operator exists for the well. Where a well is orphan, a project developer may be required to cover the cost for a well plugging and abandonment.

We appreciate the opportunity to comment on the DEIR/EIS for these proposed projects. If you have questions please call me at (916) 323-0425. The following are contacts for the local district offices of the Division:

- Bakersfield: Dayne Frary (661) 334-4601
- Coalinga: Tim Boardman (559) 935-2941.

Sincerely,



Yuko Sakano, Ph.D.
 Environmental Scientist

cc: Dayne Frary, Associate Oil and Gas Engineer, DOGGR, District 4
 Tim Boardman, District Deputy, DOGGR, District 5
 Tian-Ting Shih, Ph.D., Environmental Program Manager, DOGGR

Response to Submission 457 (Yuko Sakano, California Department of Conservation, September 30, 2011)

457-1

Information specific to oil and gas wells has been added to Section 3.10 Hazardous Materials and Wastes. Any work near a critical well would be coordinated with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources, or their designee.

457-2

Additional analysis has been conducted to characterize wells the study area. The results indicate that the ten wells in or near the HST alternative alignments are plugged and abandoned dry holes. Information on oil wells, including applicable regulations and analysis of potential impacts has been added to Section 3.10 Hazardous Materials and Wastes.

Submission 385 (Jacquelyn Ramsey, California Department of Conservation, September 30, 2011)

Merced - Fresno - RECORD #385 DETAIL

Status : Action Pending
Record Date : 9/30/2011
Response Requested :
Stakeholder Type : Environmental Agency
Submission Date : 9/30/2011
Submission Method : Website
First Name : Jacquelyn
Last Name : Ramsey
Professional Title : Environmental Planner
Business/Organization : Department of Conservation
Address :
Apt./Suite No. :
City : Sacramento
State : CA
Zip Code : 95814
Telephone : (916) 323-2379
Email : Jacquelyn.Ramsey@conservation.ca.gov
Cell Phone :
Email Subscription : Fresno - Bakersfield, Merced - Fresno
Add to Mailing List : Yes

385-1

Stakeholder Comments/Issues :
 The Department of Conservation is in the process of reviewing the High Speed Rail Authority's Notice of Public Acquisition notification for the both the Fresno to Bakersfield Section of the California High-Speed Train Project and the Merced to Fresno Section (Government Code section 51291 (a)). The review of both projects is occurring concurrently with the Department of Food and Agriculture's review as required in statute pursuant to Government Code section 51291 (a). The Department is requesting an extension of 30 days in addition to the requirement in statute to complete the review within 30 days of receipt due to the time constraints included in Williamson Act Statute and the amount of materials which must be reviewed. The extension will allow staff sufficient time to review the more than 1,200+ pages of documents, including 148 properties restricted by Williamson Act contracts, maps of the routes and related materials provide by the High Speed Rail Authority for the Department's review, and in coordination with the Department of Food and Agriculture, provide the CA High Speed-Train with the Department's comment response . The total number of days requested is 60 days. The Department has already completed an extensive review of the environmental documents. Public Acquisition review procedure is a separate process stipulated in Government Code sections 51290 – 51295. The Department looks forward to hearing from you with regard to its request. If you have questions or concerns please contact by telephoning me at the number noted below, or by e-mail. Thank you.

EIR/EIS Comment : Yes

Response to Submission 385 (Jacquelyn Ramsey, California Department of Conservation,
September 30, 2011)

385-1

The Authority will comply with all requirements of the Williamson Act for notice and land acquisition.

Submission 609 (Deborah Hysen, California Department of Corrections and Rehabilitation,
October 12, 2011)

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION
FACILITY PLANNING, CONSTRUCTION AND MANAGEMENT
P.O. Box 942883
Sacramento, CA 94283-0001

EDMUND G. BROWN JR., GOVERNOR



October 12, 2011

Jeff Abercrombie, Area Program Manager Central Valley
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Dear Mr. Abercrombie:

COMMENTS ON MERCED TO FRESNO SECTION HIGH-SPEED TRAIN PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT
STATEMENT

609-1

As stated in our Notice of Preparation comment letter dated April 11, 2011 to the California High-Speed Rail Authority, the California Department of Corrections and Rehabilitation (CDCR) is a responsible agency under the provisions of the California Environmental Quality Act (CEQA) in the final approval of two of the potential routes between Merced and Fresno because they pass within the grounds of two state adult correctional facilities situated east of Chowchilla in Madera County. Construction of any trackage, infrastructure, and/or associated support facilities on the grounds of either the Valley State Prison for Women (VSPW) or the Central California Women's Facility (CCWF) would require CDCR approval given the critical overriding nature of state prison operations and the importance of protecting public safety. While CDCR is supportive of improving transportation in the San Joaquin Valley it believes that placement of High-Speed Rail improvements on the grounds of these two prisons would be incompatible with the prisons' respective missions and is unnecessary given the availability of adjacent land that does not have the same existing constraints.

The Merced to Fresno team met with CDCR staff on June 29, 2011 and coordinated during preparation of the Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for this segment of the high-speed train project. As a result of this interagency coordination a mitigation measure (S&S-MM#1), discussed below, was included in the Draft EIR/EIS that would avoid impacts to VSPW with a modified track alignment.

CDCR still has the following specific concerns with the proposed trackage alignments for the "Hybrid Alternative" and the "Avenue 24 Wye Connecting to BNSF Alternative" within or immediately adjacent to VSPW and CCWF:

Jeff Abercrombie, Area Program Manager Central Valley
Page 2

609-1

Maintaining Local Access. Avenue 24 and Road 22 serve as the principal roadways to VSPW and CCWF from the Chowchilla area so maintaining the integrity of these roadways is essential to long-term operation of these facilities. The main access to VSPW is from Avenue 24; the main access to CCWF is from Road 22 via Avenue 24. Regardless of the final routes selected by the Commission for either the BNSF turning wye or the Hybrid Alternative it is essential to the continued operation of these two prisons that these roads remain a viable element of the local street system.

609-2

Trackage Encroachment onto VSPW. The proposed alignment of the Avenue 24 Wye Connecting to BNSF Alternative passes well within the grounds of VSPW. This alignment also requires construction of an overpass on Road 21 that would be situated immediately west of the main prison complex. Encroachment onto the grounds of the state-owned property that comprises VSPW is incompatible with CDCR security standards given the prison's perimeter would be in close proximity to the trackage; this alignment would also potentially endanger the integrity of the secure perimeter and adjacent inmate housing units in a train derailment. A derailment on this section of the line would have catastrophic consequences to prison operations, the continuity of the secure perimeter, staff, and inmates.

609-3

This alignment would remove a significant amount of land within the prison grounds from agricultural productions. The disruption of agricultural production, which is the responsibility of the California Prison Industry Authority (CALPIA), would cause economic loss due to reduced production and it would affect opportunities for the productive use of inmates on state-owned land. CDCR also notes that the severance of this portion of the prison's property by placement of the BNSF turning wye's trackage along the western side of the prison complex would impose limitations on the operation of areas potentially needed for water service and wastewater treatment as well as land needed for other CDCR facilities and infrastructure.

609-4

Finally, the BNSF turning wye alternative would result in the need to build an overpass on Road 21 to the west of the main prison complex. The elevated position of such an overpass is a safety concern to our security operations because it provides a "high ground" position in close proximity to a secure perimeter. CDCR believes that creation of new hazards to perimeter security should be avoided if there are feasible alternatives, such as relocation of the trackage to the north of the prison property.

609-5

Draft EIR/EIS Mitigation Measure. S&S-MM#1 "Revise design to avoid safety risk to correctional facilities from roadway overpass" proposes either to eliminate the overpass along Road 21 near the VSPW from the proposed design or to relocate the alignment as shown in Figure 3.11-9 of the Draft EIR/EIS. Eliminating the overpass along Road 21 would have a minor reduction in security and safety effects, and it does not go far enough in addressing all of the effects of trackage encroachment onto VSPW. Completely removing the alignment as shown in Figure 3.11-9 of the Draft EIR/EIS would be the only alternative acceptable to CDCR.

Submission 609 (Deborah Hysen, California Department of Corrections and Rehabilitation,
October 12, 2011) - Continued

Jeff Abercrombie, Area Program Manager Central Valley
Page 3

609-6

Trackage Encroachment onto CCWF. While the alignment of the Hybrid Alternative would encroach only into the southwest corner of the CCWF prison property, CDCR finds that potentially significant problems would result should this route be approved and built. The alignment would affect the integrity of CALPIA agricultural production and the ability to expand in the future, if necessary, the adjacent existing wastewater treatment facilities and operations. As with VSPW, the placement of high-speed rail trackage in close proximity to the secure perimeter of an adult state prison is likely to result in an inevitable conflict with prison operations and public safety. CDCR recommends the Commission reposition this alignment to the southwest onto lands that do not have the constraints of state prison operations.

CDCR looks forward to continuing its participation in the review process for the proposed Merced to Fresno section of this project. Also, we look forward with keen interest to reviewing the Draft EIR/EIS for the San Jose to Merced segment of the high-speed rail project, which will be evaluating east-west connector alternatives (alignment and wyes), including a design alternative (SR 152) that would avoid CDCR property completely.

Thank you again for the opportunity to provide comments on the Draft EIR/EIS for the proposed high-speed rail alignments in the Chowchilla area.

Sincerely,



DEBORAH HYSEN
Deputy Director
Facility Planning, Construction and Management

cc: Chris Meyer, Director, Facility Planning, Construction and Management (FPCM)
George Giurbino, Deputy Director, Division of Adult Institutions
Lydia Hense, Warden (A), CCWF
Walter Miller, Warden (A), VSPW
Marlin Feryance, Correctional Administrator, FPCM
Scott Walker, Assistant General Manager, CALPIA
Nancy MacKenzie, Chief, Environmental Planning Section

Response to Submission 609 (Deborah Hysen, California Department of Corrections and Rehabilitation, October 12, 2011)

609-1

All of the proposed alignments would maintain the continued operation of Avenue 24 as part of the local street system. The UPRR/SR 99 and Hybrid alternatives would maintain the operation of Road 22 as it exists today. The BNSF Alternative would close the existing crossing of Road 22 and the BNSF railroad, and travelers would be required to cross the BNSF railroad and the HST tracks on either Avenue 24 or Avenue 26. Operations on Road 22 to each side of the railroad and HST tracks would be maintained.

609-2

If the BNSF Alternative with the Ave 24 Wye were chosen as the Preferred Alternative, mitigation measure S&S-MM#1 would be implemented. In response to these comments, the mitigation measure has been revised in the EIR/EIS to remove the language regarding the elimination of the overpass along Road 21, which would occur if the alignment were to remain within VSPW property, and to instead commit solely to relocating the alignment outside of VSPW property.

609-3

If the BNSF Alternative with the Ave 24 Wye were chosen as the Preferred Alternative, mitigation measure S&S-MM#1 would be implemented. In response to these comments, the mitigation measure has been revised in the EIR/EIS to remove the language regarding the elimination of the overpass along Road 21, which would occur if the alignment were to remain within VSPW property, and to instead commit solely to relocating the alignment outside of VSPW property.

609-4

If the BNSF Alternative with the Ave 24 Wye were chosen as the Preferred Alternative, mitigation measure S&S-MM#1 would be implemented. In response to these comments, the mitigation measure has been revised in the EIR/EIS to remove the language regarding the elimination of the overpass along Road 21, which would occur if the alignment were to remain within VSPW property, and to instead commit solely to relocating the alignment outside of VSPW property.

609-5

If the BNSF Alternative with the Ave 24 Wye were chosen as the Preferred Alternative,

609-5

mitigation measure S&S-MM#1 would be implemented. In response to these comments, the mitigation measure has been revised in the EIR/EIS to remove the language regarding the elimination of the overpass along Road 21, which would occur if the alignment were to remain within VSPW property, and to instead commit solely to relocating the alignment outside of VSPW property.

609-6

The proposed alignment of the southbound leg of the Ave 24 Wye with the BNSF and Hybrid alternatives cannot be shifted off of CCWF lands without causing additional significant impacts on other resources. To address CDCR concerns, the following text has been added to the impacts discussion in Section 3.11, Safety and Security, in the EIR/EIS: "The placement of the alignment would affect a portion of the agricultural property operated by the prison and could potentially affect the prison's ability to expand adjacent wastewater treatment facilities and operations in the future." The following text has also been added there: "The Authority would compensate the California Department of Corrections and Rehabilitation for any acquisition of CCWF property by following the requirements of the Uniform Relocation Act and/or through the provision of additional land adjacent to the existing CCWF property."

Submission 632 (Lynn E. Smith, California Department of Resources Recycling and Recovery,
October 10, 2011)

Natural Resources Agency

Edmund G. Brown, Jr., Governor



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

Draft EIR/Draft EIS for the CA High-Speed Train Project
October 7, 2011
Page 2 of 4

October 7, 2011

Mr. Dan Leavitt
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

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24.CR.0011
303D

632-1

Subject: SCH No. 2009091125 – Draft Environmental Impact Report/Draft Environmental Impact Statement for the California High-Speed Train Project, Merced to Fresno Section

Dear Mr. Leavitt:

The California Department of Resources Recycling and Recovery (CalRecycle or Department) appreciates the opportunity to comment on the subject proposal during the early planning stage of the California Environmental Quality Act (CEQA) process. CalRecycle will not be commenting on the project proposal as a responsible agency involved in the permitting of the California High-Speed Train Project, but as a commenting agency responsible for public health and safety and the environment in relation to solid waste facilities.

CalRecycle staff has reviewed the environmental document cited above and offers the following information and comments for lead agency use:

632-1

Based on the proposed project alignments described in the Draft Merced to Fresno High-Speed Train Program EIR/EIS document, there may be closed solid waste facilities located within approximately 1,000 feet of the proposed track alignments.

Castle Air Force Base Landfill #1 and Le Grand Disposal Site are closed sites which are located approximately 1,000 feet from the proposed alignments. (See attached map.) It should be noted that municipal solid waste landfills typically generate landfill gas (LFG) which is heavier than air and odorless. For any project development that includes excavation and/or the construction of enclosures, it should be noted that methane in LFG has the potential to migrate and concentrate within low-lying pockets and enclosures within the explosive range of 5-15% methane in air. The presence of methane gas at this low concentration may not be detectable by smell because methane alone has no odor. This statement is not to be misconstrued as a confirmation that LFG has been, or will be detected upon development within 1,000 feet of the aforementioned landfills.

CalRecycle staff highly recommend that the people working within close proximity of a landfill disposal 'footprint' should take precautionary measures including having a health and safety

contingency plan, appropriate health and safety equipment, and trained personnel for detecting and monitoring methane gas, as well as a plan on how to contain methane gas if detected.

The local enforcement agency (LEA) for the county in which the landfills are located can be contacted for additional site information, and should be notified in the event that methane gas is detected prior to any development in the project area, or if grading activities expose previously unknown disposed solid waste. Paul Wrighton is the Merced County LEA for the two closed facilities located within approximately 1,000 feet of the proposed alignments. If needed, Mr. Wrighton can be reached at (209) 381-1078.

Please note that correspondence for staff of CalRecycle's Permitting and Certification Division should continue to be sent to 1001 I Street, P.O. Box 4025, Sacramento, CA 95812. Correspondence specifically for the attention of the Director of CalRecycle should be sent to the address in the letterhead of this letter.

If you have any questions regarding these comments, please contact me at 916.341.6328 or email me at Lynn.Smith@CalRecycle.ca.gov.

Sincerely,

Sue O'Leary for

Lynn E. Smith, Integrated Waste Management Specialist
Permits and Assistance North Central Section
Permits and Certification Division
Department of Resources Recycling and Recovery

cc: State Clearinghouse
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Sue O'Leary, Supervisor
Permitting and Assistance Branch - North Region
Permitting and Certification Division
CalRecycle

Paul Wrighton
Department of Public Health
Division of Environmental Health
260 E. 15th Street
Merced, CA 95341

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Response to Submission 632 (Lynn E. Smith, California Department of Resources Recycling and Recovery, October 10, 2011)

632-1

Landfills in the HST study area are addressed in the EIR/EIS. Castle Air Force Base Landfill #1 and the Le Grand Disposal Site have been evaluated and do not indicate that landfill gas is a cause for elevated concern. As detailed in Section 3.10.5.3 of the EIR/EIS, a hazardous materials contingency plan and best management practices would be implemented; including personal protective equipment and personnel training. These standard practices would further alleviate the potential for a dangerous release of methane gas by establishing procedures and educating project personnel on the proper management of a landfill gas hazard. Landfills near the study area include two historical burn dumps, closed landfills, and an active municipal landfill. Typically, old burn dumps pose a limited landfill gas risk, as the organic material that would normally decompose to form methane has been burned and cannot further decompose. However, the risk will vary based on the degree to which each site was burned, if additional waste was placed (legally or illegally), and whether the waste was burned before landfill gas had the chance to be generated. Under current regulations, all operating and most closed landfills are required to have landfill gas migration control systems and monitoring programs. Additionally, most active and many closed landfills have landfill gas capture and treatment/destruction systems. If these systems are operated as designed and permitted, are monitored for landfill gas migration, and any exceedences of regulatory thresholds are currently mitigated, then the potential for methane to impact the project should be minimal. All work within 1,000 feet of a landfill would require methane protection measures pursuant to Title 27 and would be coordinated with CalRecycle. Because of the low potential for landfill gas release and the existing regulatory framework, the impact related to explosion risk would be less than significant under CEQA and of moderate intensity under NEPA. Refer to Section 3.10 Hazardous Materials and Wastes for additional information.

632-2

Mr. Paul Wrighton of the Merced County Department of Environmental Health was contacted on May 19, 2010 to discuss sites of potential concern within the Department's purview. Refer to Hazardous Materials and Wastes Technical Report (available at <http://www.cahighspeedrail.ca.gov/assets/0/152/303/306/46299433-805f-4e4e-8238-df1ac30c6ca8.pdf>) for additional information. As expressed in the EIR/EIS, the Authority is aware that undocumented contamination could be encountered during construction activities and is committed to work closely with local agencies to resolve any such

632-2

conflicts. A construction management plan would be prepared that prescribes activities for workers to follow in areas with suspected presence of undocumented soil or groundwater. Refer to EIR/EIS Section 3.10, Hazardous Materials and Wastes, for additional information. The proper mailing addresses for the staff of CalRecycle's Permitting and Certification Division have been noted.

Submission 964 (Daren Gilbert, California Public Utilities Commission, October 13, 2011)

STATE OF CALIFORNIA
 PUBLIC UTILITIES COMMISSION
 505 VAN NESS AVENUE
 SAN FRANCISCO, CA 94102-3298

RECEIVED
 10-20-11P04:55 RCVD

Edmund G. Brown Jr., Governor



October 13, 2011

Mr. Dan Leavitt
 California High-Speed Rail Authority
 770 L Street, Suite 800
 Sacramento, Ca 95814

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (EIS)
 California High-Speed Train Project Merced to Fresno Section
 SCH# 2009091125

Dear Mr. Leavitt:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The staff of the CPUC has been meeting with the Authority and its consultants over the past several years to discuss the CPUC role in the project and the Authority's need to meet the regulatory requirements of the Commission.

964-1

The proposed modifications or construction of track across roadways will require authorization of CPUC. The CPUC needs to be identified as a permitting authority in all project documentation. The CPUC staff will continue to work with the Authority to identify the most efficient packaging or bundling of crossing applications and crossing modification requests once the final route is determined, which will expedite the review process.

Unless absolutely necessary due to engineering factors, all tracks at a particular location should be grade separated, rather than leaving some tracks at-grade, adjacent to a HSR grade separation structure.

Modifications to existing at-grade crossings to accommodate the high speed train project should consider the need for pedestrian facilities at those crossings, whether any exist currently or not.

964-2

Dan Leavitt
 SCH #2009091125
 October 13, 2011
 Page 2 of 3

Tech Appendix - Safety & Security (3.11a):

- Table 3.11A-1 - Accident counts do not match CPUC accident statistics. Are the EIR accident numbers total in County or only at crossings on the proposed HSRA alignments? The FRA may not account for pedestrian accidents.

DEIR Table 3.11A-1:

County	Total	# Fatalities	# Injuries
Merced	8	1	4
Madera	7	0	6
Fresno	54	2	6

CPUC Accident Statistics

County	Total	# Fatalities	# Injuries
Merced	28	6	11
Madera	17	2	7
Fresno	65	14	38

964-3

Vol 3:

- Several underpasses barely meet the 15 feet vertical clearance requirement. The HSRA must ensure the 15 feet minimum vertical clearance is met to comply with GO 26-D.

- Section 3.11.2 B, State Regulatory Requirements:

Other relevant California Public Utilities Code sections bearing on Commission rail safety and security responsibilities, not listed in the EIR/EIS, include 309.7, 315, 765.5, 768, 7661, and 7665 et seq.

- Modifications of existing highway-rail crossings require Commission authorization. Modifications include, but are not limited to, widening and conversion to a grade separated crossing.

Submission 964 (Daren Gilbert, California Public Utilities Commission, October 13, 2011) - Continued

Dan Leavitt
SCH #2009091125
October 13, 2011
Page 3 of 3

964-3

- Temporary impaired clearance during construction must be specified in the GO 88-B/Formal Applications to the Commission. All operating railroads must also be notified prior to the clearances being impaired during construction.
- The Commission's comment letter to the Notice of Preparation dated October 23, 2009 is still applicable.

Please include all the CPUC requirements in the Mitigation Monitoring Section of the FEIR and forward a copy for our final review and comment as it will be required for the GO 88-B/Formal Applications to complete the process.

Thank you for your consideration of these comments. If you have any questions, please contact me at (916) 928-6858 or email at DAR@cpuc.ca.gov.

Sincerely,

Daren Gilbert
Program Manager
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2939

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA ■ 505 VAN NESS AVENUE
SAN FRANCISCO CALIFORNIA ■ 94102-3298

Mr. Dan Leavitt
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, Ca 95814

95814-433593



Response to Submission 964 (Daren Gilbert, California Public Utilities Commission, October 13, 2011)

964-1

These items will be considered during 30% design as applicable. However, where HST tracks are aerial adjacent to at-grade RR tracks, grade separation of non-HST tracks may not be feasible.

964-2

The accident counts in Table 3.11A-1 reflect the total accidents that occurred in each county between January 2004 and November 2010, as summarized in FRA Table 3.09 Accident Summary (Federal Railroad Administration (FRA). 2011. Table 3.09: Accident Summary. Available at <http://safetydata.fra.dot.gov/OfficeofSafety/>. Accessed May 2011. Washington, DC.). The FRA defines "accidents" as the entire list of reportable events, including collisions, derailments, and other events involving the operation of on-track equipment and causing reportable damage above an established threshold; impacts between railroad on-track equipment and highway users at crossings; and all other incidents or exposures that cause a fatality or injury to any person, or an occupational illness to a railroad employee.

964-3

These concerns will be addressed during 30% design as applicable. The Authority has been working with PG&E, who will own and operate the electrical lines that power the project. All project elements will be in compliance with General Order 131D.

Submission 383 (David G. Valadao, California State Assembly, September 23, 2011)

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Assembly
California Legislature



DAVID G. VALADAO
ASSEMBLYMAN, THIRTIETH DISTRICT

COMMITTEES
VICE CHAIR, AGRICULTURE
BUDGET
BUDGET SUBCOMMITTEE #3:
RESOURCES
ELECTIONS & REDISTRICTING
ENVIRONMENTAL SAFETY & TOXIC
MATERIALS
UTILITIES & COMMERCE

September 22, 2011

09-23-11P01:46 RCVD

Mr. Roelof van Ark
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: EIR / EIS Comment Period Extension Request

Dear Mr. van Ark:

383-1

I am writing to request your immediate action in extending the time allotted for public comment on the high speed rail route for the draft Environmental Impact Reports / Statements (EIR / EIS). I have serious concerns about the proposed route, the current project, and ridership estimates. It is for these reasons that a 30 day extension is needed.

I held a forum in the Central Valley two months ago and an overwhelming number of my constituents expressed their concerns about High Speed Rail in the Central Valley. My constituents and all Californians deserve ample time to review, analyze, and submit their comments to the Authority for review. Given the size and scope of this project, I believe a 30 day extension is a reasonable request.

The draft Environmental Impact Report is over 3,300 pages and with the official public comment period scheduled to end on October 13, 2011, the extension is essential. Since this is the largest infrastructure project in California's history and there will be tremendous impacts to farmers and homeowners a modest 30 day extension would be beneficial to everybody involved in this project.

Thank you for your time. Please do not hesitate to contact me if you have any questions.

Sincerely,

David G. Valadao
Assemblyman, 30th District

Printed on Recycled Paper

Response to Submission 383 (David G. Valadao, California State Assembly, September 23, 2011)

383-1

See MF-Response-GENERAL-7.

Submission 864 (Cy Oggins, California State Lands Commission, October 13, 2011)

STATE OF CALIFORNIA
10-14-11P04:20 RCVD
EDMUND G. BROWN JR., Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
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October 12, 2011

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from Voice Phone 1-800-735-2922

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File Ref#: SCH 2009091125

Dan Leavitt
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

SUBJECT: Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the California High-Speed Train Project: Merced to Fresno Section, Merced, Madera and Fresno Counties

Dear Mr. Leavitt:

The California State Lands Commission (CSLC) staff has reviewed the subject Draft EIR/EIS for the California High-Speed Train Project: Merced to Fresno Section (Project), which is being prepared by the California High-Speed Rail Authority (HSRA) and the Federal Railroad Administration (FRA). HSRA, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The FRA is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The CSLC will act as a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal

Dan Leavitt

Page 2

October 12, 2011

864-1

waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Please be advised that use of any sovereign or school lands for any part of the Project requires that the applicant first obtain a lease from the CSLC. Based on the information and maps provided in the Draft EIR/EIS, it has been determined that sovereign lands in the San Joaquin River under the jurisdiction of the Commission lay within the Project area and that a lease for the use of these lands will be required.

864-2

Project Description

HSRA proposes to construct rails and other ancillary facilities and structures to support a high-speed train (HST) between the cities of Merced and Fresno, as part of the larger, statewide High-Speed Rail Project, to meet the agency's objectives and needs as follows:

- Provide intercity travel capacity to supplement critically overused interstate highways and commercial airports;
- Meet future intercity travel demand that will be unmet by present transportation systems, and increase capacity for intercity mobility;
- Maximize intermodal transportation opportunities by locating stations to connect with local transit systems, airports and highways;
- Improve the intercity travel experience for Californians by providing comfortable, safe, frequent and reliable high-speed travel;
- Provide a sustainable reduction in travel time between major urban centers;
- Increase the efficiency of the intercity transportation system;
- Maximize the use of existing transportation corridors and rights-of-way, to the extent feasible;
- Develop a practical and economically viable transportation system that can be implemented in phases by 2020 and generate revenues in excess of operations and maintenance costs; and
- Provide intercity travel in a manner sensitive to and protective of the region's natural and agricultural resources and reduce emissions and vehicle miles traveled for intercity trips.

CSLC staff understands that the Project would include the following components:

- **Tracks.** Depending on the alternative ultimately selected and approved, the Project would consist of 74 to 95 miles of track;
- **High-Speed Rail Stations.** Two stations, in Merced and Fresno, consisting of station platforms and trackway, and station arrival/departure facilities;
- **Grade Separations.** The type of grade separation employed at any particular road, track or other crossing would depend site conditions;
- **Railroad Wyes.** Wyes will make it possible for trains to change direction;
- **Traction Power Distribution.** A catenary system, drawing power from a series of power substations positioned along the HST corridor via extended power lines would supply the train with electricity for operation; and

Submission 864 (Cy Oggins, California State Lands Commission, October 13, 2011) - Continued

Dan Leavitt Page 3 October 12, 2011

864-2

- Maintenance Facilities. One Maintenance of Way Facility would be required along the Merced to Fresno section of track, and the Heavy Maintenance Facility (HMF) to serve the entire, statewide track may be located in this section.

864-3

Environmental Review

CSLC staff requests that HSRA consider the following comments on the Project's Draft EIR/EIS:

Project Description

864-4

1. San Joaquin River Crossing: According to the Draft EIR/EIS, HSRA has not yet finalized the Project's bridge plans for the San Joaquin River crossing, northwest of the city of Fresno (see discussion beginning at p. 3.7-57), noting that the bridge "may require placing pilings within the San Joaquin River." Whether or not pilings are proposed to be placed on state lands in the bed of the river under the jurisdiction of the CSLC may affect the necessity or extent of a lease with the CSLC. For information on the boundaries of CSLC jurisdiction and leasing requirements, please contact Jim Porter, Public Lands Manager, at the contact information listed at the end of this letter.
2. Piling Construction: Although the Draft EIR/EIS leaves open the possibility that the Project would involve pilings in the San Joaquin River, the Project Description lacks details on the timing or method of the in-water pile-driving (e.g., whether it would only occur when the channel is at low-water or dry, whether it would require rerouting of the River or localized de-watering, etc.). Such details on the possible pile-driving are critical to the environmental impact analysis for the Project and necessary in any application for a CSLC lease (see CSLC Comment #5 below). To the extent omission of these details from the Project Description prevents disclosure and analysis of potentially significant effects resulting from pile driving and other in-channel activities, the CSLC staff is concerned that the analysis in the Draft EIR/EIS may be inadequate and may require recirculation of the document (as provided in Pub. Resources Code, § 21092.1, State CEQA Guidelines, § 15088).¹ In order to ensure the EIR/EIS thoroughly describes all possible construction scenarios for the bridge, please provide a description of the activities, including pile-driving and dewatering, that may be employed in the San Joaquin River, should the final bridge design include work in the channel. If, alternatively, HSRA plans to prepare a more focused, detailed CEQA document for that part of the Project, please make this clear in the Draft EIR/EIS.

864-5

Impact Analysis – General

3. Mitigation to Less Than Significant: The format of the Draft EIR/EIS obscures the logical link between the Project's impacts and how the identified mitigation measures render those impacts less than significant, thereby precluding a

¹ The State CEQA Guidelines are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Dan Leavitt Page 4 October 12, 2011

864-5

complete and accurate analysis of the adequacy of the mitigation. Although the Draft EIR/EIS does discuss the alternatives' potential environmental impacts, including their pre-mitigation significance, lists descriptions of the mitigation measures that would lessen or avoid those impacts, and pinpoints the specific mitigation that would apply to each impact, the analysis stops there. The subchapters of Chapter 3 lack discussions of how the host of mitigation measures applied to each Project impact would successfully (or not) reduce the impact below a defined threshold of significance. Because the type and number of significant, immittigable impacts determined in the Draft EIR/EIS could affect the decisions that responsible agencies may ultimately make regarding the Project's approval and permit or lease conditions, Chapter 3 should explain how mitigation would or would not reduce each impact to less than significant, and not simply end with only a summary table listing the significance conclusions.

864-6

Biological Resources and Wetlands

4. Deferred Mitigation: With respect to the mitigation measures identified in the Draft EIR/EIS, many constitute deferral or are otherwise unenforceable due to a lack of specific standards or a commitment to achieve or maintain those standards. The CSLC staff recognizes the difficulties that the Project's geographical breadth and scheduling requirements create in developing mitigation measures that would apply to various track configurations and profiles in areas with a multitude of land use designations, and, for CEQA purposes the mitigation measures identified in an EIR need not include all specific details when such specificity is "truly infeasible or impractical" at the time of preparation; however, an EIR needs to at least: (i) specify performance standards which would ensure the mitigation of the significant effect, and (ii) disallow the occurrence of physical changes to the environment unless the performance standard is or will be satisfied. (See State CEQA Guidelines §15126.4.)

In the Draft EIR/EIS as currently presented, many of the mitigation measures related to development and implementation of plans and measures that may be devised in the future meet neither of the above requirements; neither does the document provide an explanation as to why it is infeasible at this juncture to prepare and include for public review certain plans and protocols that are the basis for the document's ultimate significance conclusions. As a consequence, the Draft EIR/EIS denies responsible agencies and the interested public the chance to comment on the adequacy of the proposed mitigation for avoiding or minimizing the Project's impacts.

Similarly, a lead agency may not defer the formulation of a mitigation measure to other agencies; lead agencies must do all that is feasible on their part to address significant impacts even where a subsequent permit from another agency is necessary. Examples of improper deferral in the Draft EIR/EIS of this nature that may be relevant to the mitigation of impacts to lands and resources under the jurisdiction of the CSLC include:

Submission 864 (Cy Oggins, California State Lands Commission, October 13, 2011) - Continued

Dan Leavitt

Page 5

October 12, 2011

864-6

- **Bio-MM #5, Prepare and Implement a Biological Resources Management Plan**, which relies on future, unspecified permit conditions and agreements with US Fish and Wildlife Service (USFWS), US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB) and California Fish and Game (CDFG) for both mitigation details and performance criteria; and
- **Bio-MM #56, Prepare and Implement a Habitat Mitigation and Monitoring Plan**, which similarly defers the development of specific measures and performance criteria to mitigate impacts to jurisdictional waters and state streambeds to future discussions with USFWS, USACE, RWQCB and CDFG.

While the requirements contained in permits issued by the various regulatory agencies mentioned may ultimately provide a basis to conclude that the particular agency's permitting requirements were met, such a conclusion does not by itself provide a basis under CEQA's substantive mandate for the lead agency to conclude that all project-related impacts on those resources are mitigated to below a level of significance under CEQA. Rather, HSRA has the responsibility to mitigate or avoid all project-related impacts to the extent feasible, not simply pass the burden to a responsible agency with more limited regulatory and statutory requirements.

The CSLC staff recommends the Draft EIR/EIS either provide the required plans in a recirculated document for public review and comment or replace mitigation measures whose adequacy is impossible to evaluate, such as plans and standards to be developed, with more meaningful and measurable performance standards that allow for a rigorous analysis of the significance of impacts after mitigation.

864-7

5. **Chinook Salmon and Essential Fish Habitat:** The Draft EIR/EIS notes, for Impact Bio #9, that "construction of the HST alternatives would disturb special-status fish due to potential turbidity, sediment deposition, and noise exposure," and that, barring mitigation, the impact would be significant (p. 3.7-136); however, although noise exposure is listed in the impact's title as an issue, neither Chapter 3.4, Noise and Vibration, nor Chapter 3.7, Biological Resources and Wetlands, includes a discussion on the potential impacts of underwater noise on fish and fish habitat from construction and, more specifically, pile-driving. Furthermore, while the Draft EIR/EIS mentions that Chinook salmon are largely or completely absent from the stretch of Essential Fish Habitat in the San Joaquin River to be crossed by the Project, it fails to take into account the San Joaquin River Restoration Program (SJRRP) plan to reintroduce the state- and federally-threatened Spring-run Chinook salmon to that part of the River. In fact, the reintroduction, by December 2012, precedes the start of Project construction in mid- to late-2013 (p. 3.7-26). An understanding of the significance of underwater noise on this listed species and the appropriateness of identified mitigation is further hindered by the absence in the Draft EIR/EIS of a description of potential in-stream pile-driving (see CSLC Comment #2, above). Please analyze the

Dan Leavitt

Page 6

October 12, 2011

864-7

potential impacts that in-stream pile-driving and the accompanying underwater noise may have on fish and, if determined significant, develop mitigation to avoid or lessen the impact.

864-8

Cultural Resources

6. **Cultural Resources on State Sovereign Lands:** The Draft EIR/EIS should state that title to all abandoned shipwrecks and all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the CSLC. Any submerged archaeological site or submerged historic resource remaining in state waters for more than 50 years is presumed to be significant. The CSLC maintains a shipwrecks database of known and potential vessels located on the state's tide and submerged lands; however, the location of many shipwrecks remains unknown. The recovery of objects from any submerged archaeological site or shipwreck may require a salvage permit under Public Resources Code section 6309.
7. **CSLC Consultation:** CSLC staff requests that the HSRA immediately consult with CSLC staff should any cultural resources be discovered on State sovereign lands before or during Project construction.

864-9

Thank you for the opportunity to comment on the Draft EIR/EIS for the Project. As a trustee and potentially-responsible Agency, the CSLC may need to rely on the Final EIR/EIS for the issuance of any new lease as specified above and, therefore, we request that you consider our comments prior to adoption of the EIR/EIS. Please send additional information on the Project to the CSLC staff listed below as plans become finalized.

Please send copies of future Project-related documents or refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at Sarah.Sugar@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Jim Porter, Public Lands Manager at (916) 574-1865, or via email at Jim.Porter@slc.ca.gov.

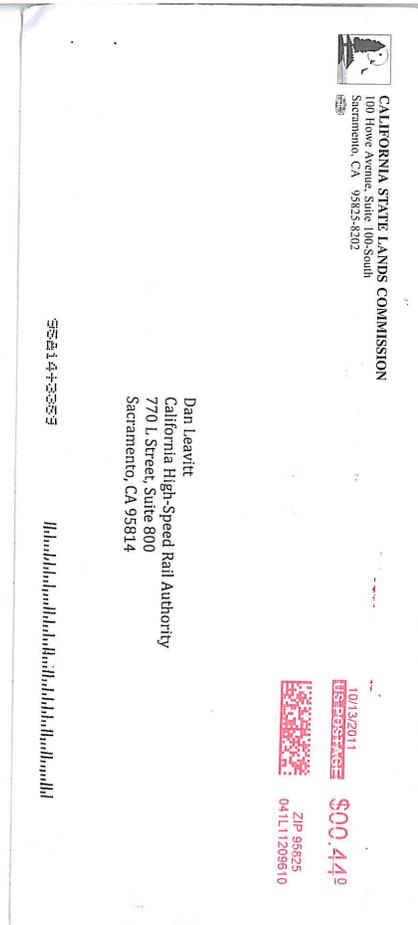
Sincerely,



Cy Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
S. Sugar, CSLC
J. Porter, CSLC
J. DeLeon, CSLC

Submission 864 (Cy Oggins, California State Lands Commission, October 13, 2011) - Continued



Response to Submission 864 (Cy Oggins, California State Lands Commission, October 13, 2011)

864-1

Section 2.9, Permits, provides information on the permits and approvals that will be required for the HST Project. The list includes the California State Land Commission and the need to acquire a lease for crossing state sovereign lands.

864-2

The project description stated in the comment is an accurate restatement of portions of Chapter 1 Purpose and Need and Chapter 2 Alternatives.

864-3

The details of the San Joaquin River crossing will be refined during final construction design. If the design is revised to include pilings in the river, will reinitiate coordination with NMFS to assess potential impacts to aquatic resources.

864-4

No in-water work (including piling or dewatering) is currently planned within the San Joaquin River because the ordinary high water channel is proposed to be fully spanned. In accordance with expected conditions of the Section 404 permit to be issued for the HST, the span over the San Joaquin River will be designed to minimize impacts to the EFH and listed anadromous fish. See MF-Response-BIO-3 for further minimization measures.

864-5

See MF-Response-GENERAL-1.

864-6

See MF-Response-GENERAL-1.

The EIR/EIS mitigation measures are presented in Section 3.7.6.1. A number of the measures have been further refined in the Final EIR/EIS in order to clarify their performance standards.

Regarding the level of specificity, the measures include monitoring and reporting roles, avoidance and minimization and project specific mitigation measures. Each measure includes as feasible, the phase of the project it applies to and, as relevant, the additional

864-6

permitting requirements that supplement the mitigation action. These permitting activities will include the potential for adding or supplementing the mitigation measures with terms and conditions identified during the process of obtaining compliance with the Federal and State Endangered Species Act (Section 7 and 2081 respectfully), Federal Clean Water Act (Section 404), Porter Cologne Act (401) and State Fish and Game Code (Section 1600). The MMRP and permit conditions are then tracked during the design, site preparation, construction and post construction phases as appropriate. For further clarification on mitigation measures, please refer to MF-Response-Bio-3.

Bio-MM #5 is intended to be a tool during project implementation phases to provide the Project Biologist with a comprehensive list of measures, terms and conditions that apply to the project. As stated in the measure... "In the BRMP, organize the biological resources mitigation measures and terms and conditions to help facilitate their implementation. Oversee the implementation of the BRMP and prepare compliance reports to document implementation and performance". This is a plan to help ensure implementation of the measures and is best written after permit conditions are known and the preferred alternative has been selected.

Bio-MM #56 (Bio-MM #58 in the Final EIR/EIS) is a requirement of the permitting process. The development of a specific HMMP is prepared typically after the preferred alternative is selected and the permittee-responsible mitigation is planned/designed in the form of a mitigation proposal.

The Authority is responsible for the implementation, monitoring and reporting of the MMRP as well as terms and conditions of regulatory permitting requirements and is not passing the burden to another responsible agency. In some cases other responsible agencies are coordinated with during the implementation phases as appropriate. The roles and responsibilities for the implementation and monitoring does not rest with the agencies, but rather the Authority as referenced in the documentation Section, see Section 3.7.6 Mitigation measures and the roles and responsibilities for the Project Biologist, Mitigation Manager, Contractor's Biologist and the Biological Monitor. Section 3.7.8 includes the CEQA significance conclusions reached after consideration for the impact and mitigation.

Response to Submission 864 (Cy Oggins, California State Lands Commission, October 13, 2011) - Continued

864-7

Both the EIR/EIS and the Biological Resources Technical Report (BTR) addresses potential effects to Central Valley spring-run Chinook salmon as construction activities that are anticipated to begin after the fall 2012 reintroduction deadline as identified within the San Joaquin River Restoration Program (SJRRP). The EIR/EIS evaluates direct and indirect effects for special-status fish and essential fish habitat through the construction period through the project period for the HST project. Direct effects evaluated for special-status fish (Central valley steelhead, Central Valley spring run Chinook salmon) include physical disturbance; Interruptions to fish passage, sedimentation, turbidity, altered water temperatures, oxygen depletion and contaminants. Preliminary bridge designs will span the ordinary high water mark to eliminate construction activities within the median high water mark that could impact fish through vibrations and/or underwater noise. The localized clearance of overhanging vegetation, undercut banks, logs, and other streamside fish habitat done through open-cut trenching during construction would be restored and/or mitigated at the termination of construction activities.

864-8

MF-Response-CULTURAL-1.

Comment noted. Text was added to Arch MM#2 in the Final EIR/EIS stating the California State Lands Commission (CSLC)'s jurisdiction over State sovereign lands. Should cultural resources be discovered on State sovereign lands, the CSLC will be notified.

864-9

See MF-Response-CULTURAL-1.

Comment noted. Text was added to the FEIR/EIS stating the California State Lands Commission's jurisdiction over State sovereign lands. Should cultural resources be discovered on State sovereign lands, the CSLC will be notified.

Submission 371 (Michael J. Rubio, California State Senate, September 20, 2011)

SEP-20-2011 16:49 From: SEN MICHAEL RUBIO 916.527.5989 To: 916.522.0827 P. 2/2

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09-20-11 P05:07 RCVD
California State Senate

SENATOR
MICHAEL J. RUBIO
SIXTEENTH SENATE DISTRICT



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ENERGY, UTILITIES &
COMMUNICATIONS
HEALTH
JOINT LEGISLATIVE AUDIT
TRANSPORTATION & HOUSING
VETERANS AFFAIRS

September 20, 2011

Mr. Roelof van Ark
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Draft EIR / EIS Comment Period Extension Request

Dear Mr. van Ark:

371-1

I am writing to request your immediate action in extending the public comment period for the draft Environmental Impact Reports / Statements (EIR / EIS) for the Merced – Fresno and Fresno – Bakersfield sections by 30 days to a full 90 day period. The current approved 60 day comment period is insufficient.

As you know, there has been significant ongoing resistance to the short comment period—though recently extended to 60 days—granted by the California High Speed Rail Authority (Authority). With the tremendous impacts to homeowners, farmers and Central Valley communities, a 90 day comment period for the apparently largest infrastructure project in California's history is reasonable. I still see many of the job creation benefits here in the Valley, but I also firmly believe that this process must include a full stakeholder review and comment period in order to thoroughly engage the public. With well over 15,000 pages of relevant material to review prior to the upcoming deadline, the Authority must allow public participation to prevail by modestly extending the deadline to a full 90 day comment period. Of course, I make this request to extend the comment period as long as the extension would not jeopardize the current and/or potential project funding.

As an elected official representing many communities along the proposed corridor in the Central Valley, I remain committed to ensuring that the voices of my hardworking constituents are heard in Sacramento. If you should have any questions or concerns, please do not hesitate to contact my office at 916-651-4016.

Sincerely,

Michael J. Rubio
State Senator
Sixteenth District

Response to Submission 371 (Michael J. Rubio, California State Senate, September 20, 2011)

371-1

See MF-Response-GENERAL-7.

Submission 554 (Michael Rubio, California State Senate, September 22, 2011)

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California State Senate

SENATOR
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SIXTEENTH SENATE DISTRICT



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TRANSPORTATION & HOUSING
VETERANS AFFAIRS

09-22-11P03:01 RCVD

September 20, 2011

Mr. Roelof van Ark
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Draft EIR / EIS Comment Period Extension Request

Dear Mr. van Ark:

I am writing to request your immediate action in extending the public comment period for the draft Environmental Impact Reports / Statements (EIR / EIS) for the Merced – Fresno and Fresno – Bakersfield sections by 30 days to a full 90 day period. The current approved 60 day comment period is insufficient.

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Sincerely,

Michael J. Rubio
State Senator
Sixteenth District

Response to Submission 554 (Michael Rubio, California State Senate, September 22, 2011)

554-1

See MF-Response-GENERAL-7.

Submission 482 (Anthony Cannella, California State Senator, 12th District, October 10, 2011)

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California State Senate

SENATOR
ANTHONY CANNELLA
TWELFTH SENATE DISTRICT



COMMITTEES
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VICE-CHAIR
GOVERNMENTAL
ORGANIZATION
NATURAL RESOURCES
AND WATER

October 6, 2011

Mr. Thomas J. Umberg
Chairman
California High-Speed Rail Authority
770 L Street
Suite 800
Sacramento, CA 95814

RE: Comments on the California High-Speed Train Project EIR/EIS Merced-to-Fresno Section

Dear Mr. Umberg:

482-1 As Chair of the California State Senate Agriculture Committee, I am writing to express my concern about the impacts on agriculture raised in the draft environmental impact report/statement (EIR/EIS) for the Merced-to-Fresno section of the California High-Speed Train Project.

California is a leader in innovation and environmental stewardship, so it's only fitting that the development of the nation's first true high-speed rail system take place in our state. However, as stated in the EIR, the Central Valley is the state's largest agricultural area and produces a wide variety of crops. It is imperative, therefore, that the march of progress treads lightly on California's agricultural heritage and industry.

482-2 During the joint Senate Agriculture Committee and Senate Transportation and Housing Committee hearing on July 15, 2011, about high-speed rail's impacts on agriculture, several issues were raised that are pertinent to the EIR. At that time, California High-Speed Rail Authority staff made a commitment that "people would have time to write and comment on the draft documents" once the draft EIR was posted. With two EIR documents being released at the same time for the Merced-to-Fresno section and the Fresno-to-Bakersfield section of the project, I am concerned that the current comment period may be insufficient for interested parties to adequately voice their opinions.

Mr. Thomas J. Umberg
October 6, 2011
Page two

482-1 The July Senate hearing also attempted to address fears that agricultural impacts would be underrepresented. As you know, the proposed routes slice through numerous farms, dividing the Valley and changing the region's landscape. Ensuring agricultural business concerns are addressed where they are impacted is important to the long-term success of high-speed rail. Although the EIR does comment on compensation for agricultural impacts, I ask that the Authority further confirm that compensation for impacts will be consistent with the commitments made during the July Senate hearing, particularly as it relates to severed parcel and reduced access issues. I also urge the Authority to clarify how it plans to address indirect access issues for those growers and landowners who may not own property directly impacted by the rail line but who would be indirectly impacted by the track's impeding access to farms on either side.

482-3
482-4 Finally, during the July Senate hearing, concerned growers raised the issue of spray-drift impacts from the high-speed rail project. Based on Federal Railroad Administration data, the draft EIR assumes this issue would not be of concern. However, I am concerned there is no mention of any consultation with the California Department of Pesticide Regulation (DPR) regarding potential drift impacts from passing rail equipment. Agriculturalists take the safe use of chemicals very seriously; as a result, they have great concerns about a high-speed rail line's impact on the use of chemical controls near the line. Since DPR sets regulations and has both technical knowledge and complaint history that would be relevant, it would seem appropriate that the EIR development would have involved discussions with DPR when looking at the effect of wind on aerial spraying or on agricultural operations.

California's development of high-speed rail is a watershed moment not just for our state, but for the entire nation as well. Like the building of the Transcontinental Railroad in 1869, this project has the potential to have great impact, either positive or negative. What we are doing here will affect generations; let us make sure it is done correctly.

Sincerely,

Anthony Cannella
Senator, District 12

Response to Submission 482 (Anthony Cannella, California State Senator, 12th District,
October 10, 2011)

482-1

See MF-Response-AGRICULTURE-1, MF-Response-AGRICULTURE-3, and MF-Response-GENERAL-4.

482-2

See MF-Response-GENERAL-7.

482-3

See MF-Response-TRAFFIC-2, MF-Response-AGRICULTURE-3 and MF-Response-AGRICULTURE-4.

482-4

See MF-Response-AGRICULTURE-5.

Submission 726 (Curt Taras. P.E., MSCE, Central Valley Flood Protection Board, October 13, 2011)

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD
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(916) 574-0609 FAX: (916) 574-0682
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EDMUND G. BROWN JR., GOVERNOR



October 13, 2011

Mr. Dan Levitt
California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, California 95814

Subject: Response to the California High-Speed Train Project Merced to Fresno Draft Environmental Impact Report/Environmental Impact Statement SCH Number: 2009091125

Dear Mr. Levitt:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (CCR Section 131).The Central Valley Flood Protection Board (Board).

Mr. Dan Levitt
October 13, 2011
Page 2 of 4

Board staff has reviewed the subject document and provides the following comments:

726-1

1. The Fact Sheet shows "Permits, Approvals and Consultations Federal...Central Valley Flood Protection Board – Section 408 (flood protection facilities)." The statement does not list the Central Valley Flood Protection Board's regulations and should be revised to show:

"Central Valley Flood Protection Board - The Board enforces standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2). The Board has all the responsibilities and authorities necessary to oversee future modifications as approved by the U.S. Army Corps of Engineers (Corps) pursuant to assurance agreements with the Corps and the Corps Operation and Maintenance Manuals under Title 33 Code of Federal Regulations, Section 208.10 and Title 33 United States Code, Section 408."

2. Page 2-102 shows "Central Valley Flood Protection Board Section 208 (flood protection facilities)".

The statement should be revised to show "Central Valley Flood Protection Board - The Board enforces standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2). The Board has all the responsibilities and authorities necessary to oversee future modifications as approved by the U.S. Army Corps of Engineers (Corps) pursuant to assurance agreements with the Corps and the Corps Operation and Maintenance Manuals under Title 33 Code of Federal Regulations, Section 208.10 and Title 33 United States Code, Section 408."

726-2

3. Page 3.7-105 shows "The habitat creation, restoration and/or revegetation ratios presented here are based upon and ultimately depend on the type of impact (i.e., permanent or temporary), scarcity of the resource, and performance anticipated."

The statement should be revised to show "The habitat creation, restoration and/or revegetation ratios presented here are based upon and ultimately depend on the type of impact (i.e., permanent or temporary), scarcity of the resource, and performance anticipated. Vegetation plantings within the jurisdiction of the CVFPB would require a vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (CCR Section 131)."

726-3

4. Page 3.8-7 shows "Information regarding these features and their conditions originates in the following sources:..." The following statement should be included "...; tributaries and distributaries of the San Joaquin River, regulated streams and designated floodways in Title 23 California Code of Regulations (CCR)."

Submission 726 (Curt Taras, P.E., MSCE, Central Valley Flood Protection Board, October 13, 2011) - Continued

Mr. Dan Levitt
October 13, 2011
Page 3 of 4

726-3

5. Page 3.8-13 shows "For a proposed crossing that could affect a federal flood control project, the CVFPB coordinates review of the application with the USACE and with other agencies, as needed."

The statement should be revised to show "For a proposed crossing that could affect a federal flood control project, the CVFPB coordinates review of the application with the USACE for approval under 33 USC 408."

6. Table 3.8-4 Natural Water Body Crossings Page 3.8-19 should be revised to include "Bear Creek" which is located in Merced as identified in Figure 2-53 page 2-71 and "Canal Creek" south of Atwater as identified in Figure 2-47, page 2-64.
7. Page 3.8-38 shows "For a crossing proposed for a federal flood control project, the CVFPB coordinates review of the application with the USACE and other agencies, as necessary. Under Section 408 of the Rivers and Harbors Act, the USACE must approve any proposed modification that involves a federal flood control project. A Section 408 permit would be required if construction modifies a federal levee. A Section 208.10 permit would be required where the project encroaches on a federal facility but does not modify it.

The statement should be revised to show "For a proposed crossing or placement of structure near a federal flood control project the CVFPB coordinates review of the encroachment permit application with the USACE pursuant to assurance agreements with the Corps and the Corps Operation and Maintenance Manuals under Title 33 Code of Federal Regulations, Section 208.10 and Title 33 United States Code, Section 408."

726-4

8. Bridges crossing any State project levee shall span over the levee and have at least 5 feet vertical clearance over the levee crown and 20 feet horizontal clearance from the levee toes for maintenance and inspection.
9. Bridge piers placed in the flood channel shall be designed to minimize changes in water surface elevation, velocity, and scour.
10. Bridges crossing any non- project levee shall have at least 3 feet vertical clearance over the levee crown for maintenance and inspection.
11. The levee under a proposed bridge shall be armored with a concrete slab 6 inches thick to protect it from erosion and rodent burrowing.
12. When a levee crown patrol road is blocked by a bridge, a detour road not to exceed 3 miles shall be provided around the track via a nearby underpass or overpass that has 15 feet minimum vertical clearance.
13. Bridges crossing any floodway or regulated stream shall have at least 3 feet of vertical clearance over the design flood water surface elevation. The design flood flow shall be the runoff calculated for the 200 year return period storm for urban and urbanizing areas and the 100 year return period storm for rural areas unless specified differently.

Mr. Dan Levitt
October 13, 2011
Page 4 of 4

726-5

14. The maps found at <http://gis.bam.water.ca.gov/bam/> should be used to identify the locations of levees and floodplains that the high speed rail track will cross in the central valley.

15. The project EIR should determine or calculate the channel flow rate for the design storm flood for each waterway crossing. This information shall be listed in a table ready to be used by the bridge designers. This task should not be left for the design-build team since the design storm and flow rate for flood channels affected by proposed bridges/culverts should be available for public review and comment.

16. Permitting of bridges and culverts by the CVFPB will require a publicly noticed approval process estimated to take 180 days from receipt of applications. The High Speed Rail Authority should obtain the CVFPB permits for each waterway crossing prior to soliciting the project to Design-Build contractors. Permitting the project in advance will result in a lower project cost and shorter completion time because there is less uncertainty for the contractor.

726-6

17. The statewide track alignment alternatives should show potential future high speed rail connections to Las Vegas and Phoenix under consideration by the Federal Railroad Administration plan.

18. The statewide track alignments should more clearly show the transit connections to major airports and local passenger rail and bus service routes.

The permit application and the California Code of Regulations Title 23 can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and state agencies, as other permits may apply.

If you have any questions, please contact me at (916) 574-0684 ctaras@water.ca.gov or James Herota, Staff Environmental Scientist at (916) 574-0651, jherota@water.ca.gov.

Sincerely,



Curt Taras, P.E., MSCE
Chief, Permitting and Enforcement Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Response to Submission 726 (Curt Taras. P.E., MSCE, Central Valley Flood Protection Board, October 13, 2011)

726-1

These text changes were made in the Final EIR/EIS as requested by the commenter. Both the Fact Sheet and Table 2-16 (Potential Major Environmental Permits and Approvals) were updated.

726-2

See MF-Response-Bio-3

The discussion presented on pages 3.7-105 of the Draft EIR/EIS are introductory comments only and generally applicable to the intent of the overall mitigation program. These introductory comments are not specific mitigation measures nor do they represent all terms and conditions that will be part of the overall resource protection program for the HST project. This discussion is for general purposes in order to discuss any issues presented in the mitigation discussion.

The requested vegetation provisions are found in mitigation measures Bio-MM#6, Bio-MM-#15, and Bio-MM#44.

726-3

4. The requested text change was made to Section 3.8 of the Final EIR/EIS.

5. The requested text change was made to Section 3.8 of the Final EIR/EIS.

6. Bear Creek and Canal Creek are not discussed in Table 3.8-4 (Natural Water Body Crossings) because they are not located along any of the HST alignment alternatives. Rather, they are located along the access track for the Castle Commerce Center HMF Alternative. As such, they are described in the later section discussing stream crossings associated with the HMF alternatives (see Heavy Maintenance Facilities under Section 3.8.4.3, Hydrology and Water Quality in the Study Area).

7. The requested text change was made to Section 3.8 of the Final EIR/EIS.

726-4

8. This proposal will be taken under consideration, and is probably workable in many instances. However, it is unclear at this time whether the proposed requirement has

726-4

agreement from USACE for state-federal flood-control projects, and it is unclear how it relates to requirements from USACE to have at least 10 feet of clearance from the levee toe, with a typical recommendation of 15 feet to be safe for most projects. Our understanding is that the legal clearance right-of-way from the levee toe varies by project from 10 to 20 feet, and is only 20 feet in rare instances, with 10 feet being most common. Also, USACE has indicated that in lieu of providing clearance, it may be acceptable to substitute a solid abutment (fill in up to and including the levee) with an armored, low-maintenance face. There may be instances where such an approach would be discussed with CVFPB for concurrence. We are hopeful that CVFPB and USACE can issue a joint written standard, and anticipate joint discussions regarding expectations and possibly exceptions if they become needed for specific crossings.

9. We interpret "minimize" in the general sense of being reasonable and meeting threshold criteria, rather than demonstrating the best performance possible. Performance will likely be balanced against cost. Our understanding is that USACE has set a tolerable incremental rise criteria of 0.1 feet. We have not identified specific thresholds for velocity or scour by USACE or CVFPB, apart from meeting normal engineering standards for stable bridge design.

10. Thank you for this clarification between project and non-project levees.

#11. Thank you for this clarification, as this appears to be a new requirement. We would appreciate the source for this requirement for documentation.

#12. Thank you for this clarification, as it will help bring clarity and consistency. In some cases, levee districts have informally expressed interest in 2 miles for a maximum detour, which may not always be possible at reasonable cost.

#13. Thank you for making your design expectations with respect to the 200-year flood clear. Since legal requirements to design to the 200-year flood have not yet taken effect, and 200-year flow rates have not yet been issued by USACE, the Authority has not yet set this as a definitive design standard, and is reviewing the issue. CVFPB input is important in resolving this issue. Confirmation from CVFPB in interpreting which crossings fall within "urban and urbanizing areas" will also be appreciated.

Response to Submission 726 (Curt Taras. P.E., MSCE, Central Valley Flood Protection Board,
October 13, 2011) - Continued

726-5

14. Information from the Department of Water Resources (www.water.ca.gov) was used to evaluate impacts to levees and floodplains in the project area, based in personal correspondence with DWR staff involved in Central Valley flood management planning.

15. See MF-Response-WATER-3.

16. See MF-Response-WATER-3.

726-6

#17. California High Speed Rail Authority appreciates and shares the interest to facilitate strong connectivity with other transportation modes. The Authority recognizes that other High-Speed Rail projects are proposed and that future connections would help facilitate ease ridership connections, and the Authority will remain open to future discussions where these connection are reasonable. This EIR/EIS only addresses the specific Merced to Fresno and Fresno to Bakersfield Sections. In these locations the Authority has worked with the local jurisdictions to realize maximum connectivity with local transit centers.

#18. The Transportation Technical Report for the Merced to Fresno Section High-Speed Train Draft Project EIR/EIS includes information and maps regarding transit connections to the project, however, there are not foreseeable high speed rail connections possible in these sections.

Submission 721 (Christine Inouye, Department of Transportation - Caltrans, Division of Design, October 13, 2011)

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

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DIVISION OF DESIGN
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Flex your power!
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October 13, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Draft Environmental Impact Report/Statement: Merced to Fresno:

The California Department of Transportation (Caltrans) congratulates the California High-Speed Rail Authority (CHSRA) on completing the Merced to Fresno Draft Environmental Impact Report/Statement (DEIR/EIS) and providing the document for public comment in August 2011. Caltrans also looks forward to a continued partnership with the CHSRA in assisting in the delivery of this High-Speed Train (HST) project.

Caltrans has reviewed DEIR/EIS as it pertains to the State Highway System (SHS). Caltrans has previously reviewed and provided comments in the development of the Draft Project Report (Fresno, Madera, and Merced county limits) submitted February 17, 2011 and the Attachment 11: Environmental Impacts Associated with Encroachments on and Modifications to the SHS submitted June 9, 2011. While there have been many specific questions and comments related to the DEIR/EIS, Caltrans would like to bring to the CHSRA's attention the following key concerns.

The DEIR/EIS will need to sufficiently identify any site specific mitigation measures proposed for impacts which may occur within the SHS. Caltrans as a Responsible Agency under California Environmental Quality Act (CEQA) is required to complete a Notice of Determination for Capital Improvement Projects with impacts to the SHS. Based on the level of detail contained within the DEIR/EIS, additional environmental studies may be required to be completed prior to the final EIR/EIS to ensure the approval of the Project Report, required for work within the SHS.

The CHSRA project team has conducted focus meetings with Caltrans to identify the impacts and potential mitigation strategies at locations where the HST alignment interacts with the SHS. While the communication has helped us better understand the impacts to the SHS and provide us the opportunity for input to the mitigation required, the concepts will need further review by Caltrans. A Project Report will be required to obtain Caltrans approval for modification to the SHS.

"Caltrans improves mobility across California"

721-1

California High-Speed Rail Authority
October 13, 2011
Page 2

As discussed in the letter dated February 11, 2010 to the CHSRA by former Director Randell Iwasaki, the HST project should not preclude future expansion of the SHS to its ultimate concept. Additional information will be needed to assess the compatibility of proposed mitigation with ultimate concept of the facility at all the HST crossing locations. This will include vertical clearances for the various HST crossings, both temporary and permanent.

The document should identify additional right of way needs for drainage basins at locations where the drainage concept or patterns are proposed to be modified, specifically at the SR 99 realignment between Clinton Avenue to Ashlan Avenue. The need for pumping plants and basins at locations where the SHS is proposed to be depressed should also be addressed.

The proposed jacking of the reinforced concrete box under SR 180 is a concern. Caltrans has met with the CHSRA consultant project team and discussed the acceptable criteria for settlement. Although jacking is a viable solution, alternative solutions should be developed at this location.

The attached spreadsheet includes detailed comments that will aid in development of the HST project. Please communicate to Caltrans any significant or additional modifications to the SHS within the Merced to Fresno HST Project.

Caltrans is committed to partnering with the CHSRA to determine the planned mitigation of impacts to the SHS. We look forward to reviewing the associated technical reports that are expected documentation prior to the approval of the Merced to Fresno HST Project Report.

If you have any questions or need additional information please contact me at (916) 653-0971.

Sincerely,

CHRISTINE INOUYE
Caltrans High-Speed Rail Coordinator

Attachment

"Caltrans improves mobility across California"

Submission 721 (Christine Inouye, Department of Transportation - Caltrans, Division of Design, October 13, 2011) - Continued

High Speed Train (HST) Project - Merced to Fresno to Section
Draft Environmental Impact Report/Draft Environmental Impact Statement
Caltrans Comments - October 13, 2011

Mstr No.	REFERENCE				Description	By
	Cmt No.	Section	Page/SH			
Environmental						
721-2	1	1	General		The document needs to sufficiently identify any site specific mitigation measures proposed for impacts which may occur within the SHS. The Department as a Responsible Agency under CEQA is required to complete a Notice of Determination for Capital Improvement Projects with impacts to the State Highway System. Based on the level of detail contained within the DEIR/EIS, additional environmental studies may be required to be completed prior to the final EIR/EIS to ensure the approval of the Project Report, required for work within the SHS proposed new access roads needed for the property owners impacted.	CC
	2	2	General	PJ-4	What are the specific mitigation measures being considered? There is only mention of limited types of avoidance, but nothing directly to explain the impacted areas of the State's Right of Way.	AB
721-3	Hazardous Waste					
	3	1	General		Discuss the existing bridge structures being removed or modified for three potential hazardous waste issues.	SG
721-4	Landscape					
	4	1	3.16.1	1	The "at grade" track is actually raised on an earthen berm as much as 8' from original grade. Discuss how this earth berm will affect the views from the SHS in certain areas where the HST runs adjacent to the highway with a significant height differential. Avoidance, minimization, or mitigation may be required.	MM
721-5	Stormwater					
	5	1	Section 3.8		The DEIS reports (Section 3.8 - Hydrology and Water Resources) indicate there will be no CEQA significant impacts to water quality from the project as the project will comply with the stormwater protection requirements of the General Construction Permit and local and Caltrans MS4 permits. Please verify.	GM HQ
	6	2	General		The project will require compliance with post-construction treatment controls per Construction General Permit in non-MS4 areas, and compliance with local MS4 permit requirements in other MS4s (including Caltrans).	GM HQ
	7	3	General		An Hydraulics and Floodplains technical report is prepared for the Merced to Fresno segment. This technical report excludes stormwater discussion and defers to a separate "Stormwater Management Plan" (SWMP). The SWMP provides BMP alternatives for stormwater permit requirements at the 1% design level. The SWMP indicates that for portions of the project that lie within Caltrans ROW, water quality considerations are addressed in a separate project Stormwater Data Report (SWDR).	GM HQ
	8	4	General		The draft Caltrans MS4 permit, which is still in process of review and adoption, may require changes to the Caltrans PPDG. The draft permit indicates that treatment basins are not only to be considered, but rather incorporated into all projects that add 10,000 or more square feet of impervious surface area.	GM HQ
	9	5	Hydrology and Water Resources Section 3.8	3.8-5	Under Stormwater Management Program, Caltrans is not mentioned. Caltrans has its own Statewide NPDES (order # 99-06-DWQ, CAS000003) waiting to be renewed - therefore, it should be included under SW Management Program along with other agencies described.	MN

High Speed Train (HST) Project - Merced to Fresno to Section
Draft Environmental Impact Report/Draft Environmental Impact Statement
Caltrans Comments - October 13, 2011

Mstr No.	REFERENCE				Description	By
	Cmt No.	Section	Page/SH			
Noise and Vibration						
721-6	10	1	Summary Section 2		Summary of Section 2 states that this is a second-tier EIR/EIS which followed a more general first-tiered EIR/EIS. While this second-tier study does include many details about HST, station, and construction related N&V impacts, it should include noise impacts due to highway realignment. It may be too early for detailed highway analysis, but some discussion of highway-related noise changes and mitigation/mitigation options and potential impacts to nearby receivers when the alignment is changed horizontally or vertically should be made. For reference, refer to Chapter 7.3 of Noise and Vibration Technical Report Merced to Fresno Section.	GM HQ
	11	2	Section 3.4		The Noise and Vibration discussion in Section 3.4 and the Noise and Vibration Technical Report could have used Table 2-14, Impact of HST Alternatives on Caltrans State Facilities, to start to address highway related noise impacts due to realignment changes. Include an inventory of Impacts to Caltrans State Facilities similar to Table 2-14 used in the Fresno to Bakersfield EIR/EIS.	GM HQ
	12	3	Section 3	3.4-3	Threshold reference list should also include Caltrans Transportation and Construction Induced Vibration Guidance Manual 2004.	GM HQ
	13	4	Section 3	Figure 3.4-1	Values on Noise thermometer appear to represent Typical A-weighted SPLs and not 24-hr Ldn [See Figure 3-1 in Technical Report Fresno to Bakersfield Section Noise and Vibration].	GM HQ
721-7	Technical Planning					
	14	1	Route 99/152		The HST alignment goes over the Route 99/152 freeway-to-freeway interchange. Caltrans long range plans includes extending Route 152 west over the Union Pacific Railroad. Caltrans has been working with local partners as part of the Blue Print Process to establish Routes 65 and the extension of Route 152. The HST should not prevent development of the Route 152 extension or preclude future improvements to the Route 99/152 interchange.	SIM
	15	2	Page CT9550-A Alignment F1		Alignment F1 proposes an intersection near the NB off ramp termini at McKinley Avenue. The placement of this intersection near the ramp termini does not adhere to Caltrans' Intersection spacing Standard. The minimum design speed for local roads with interchanges is 35 mph (HDM Table 10.1.2). The vertical curve design speed shown on sheet CT9559-A is 30 mph.	SIM
	16	3	CT1481-A, CT1482-A		The vertical clearance should be calculated based on the ultimate width of structure to account for future widening. The local road intersection appears to not meet the skew angle standard.	SIM
	17	4	Route 145		Caltrans prefers Overhead. HDM Figure 62.2. The HST should not preclude widening of the roadways as needed to meet our long term needs. The minimum opening width for an Underpass on Route 145 should provide 6 lanes, 2 foot wide concrete median barrier and standard shoulders widths. In addition, if an adjacent intersection would require left turn lane channelization for left turn movements, the median design should account for shifting apertures. The shifting taper would widen the median at the intersection with the local road on Route 145 to 24 feet (dual left turn lanes for an urban median).	SIM
	18	5	CB7001-B		The Avenue 9 interchange proposes to realign the local road. Every reasonable attempt should be made to improve the skew angle of the northbound ramps.	SIM
	19	6	CB7003-B		Route 99 at Interchange at Avenue 20: Realignment of Golden State Boulevard should be not less than 700 feet from the ramp termini and ideally not less than 1000 feet. Our preference would be to consolidate Golden State Blvd with Road 21, using Road 21 at least on the north side of the interchange.	SIM
	20	7	CB7005-A/B		This and other rural interchanges would typically have unimpacted ramp terminals. As such, it is 7 1/2 second corner sight distance provided at the ramp termini with the new overcrossing profile, HDM S04.3(3)?	SIM

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21	8	HSR06-007 Sheet P-22		The existing grade of the Ashlan Avenue profile is 6 percent. The proposed grade is 7.56 percent. Flating the profile by extending the slope to 66-in at the End Bridge of the Ashlan Avenue bridge over Route 99 could be an option. We would like to explore ways to improve the profile of the overcrossing.	SIM
22	9	HSR06-007 Sheet SC-10		Stage 2 Construction Route 99 Realignment. At station 131+00 the existing bridge would need cross slope correction in the northbound direction, resulting from the superelevation runoff. This work does not appear to be identified in the construction staging plan or scope of work.	SIM
23	10			With the proposed closure of Motel Drive (Golden State Blvd) between Belmont and Olive, access from SB SR 99 to downtown Fresno that currently occurs via the SB Motel Drive off ramp at Clinton through the Belmont Circle will be removed. Caltrans plans to close the Belmont Interchange at SR 99 due to the close proximity of the SR 180, freeway-to-freeway interchange. The resulting lack of access along Motel Drive through the Belmont Circle would redirect traffic to the SR 99 interchanges at Olive and Belmont. These interchanges are avoided today because Motel Drive provides convenient and rapid access, and because the SR 99 interchanges include potentially long delays. The proposed closure of Motel Drive would create a latent affect at the Olive and Belmont ramps with SR 99. Local road impacts cannot prevent closure of the Belmont Interchange.	SIM
24	11	Page CT9550-A Alignment F1		Grade separation at McKinley Avenue for F1 alignment - A new McKinley Avenue connector is proposed east of the SR 99 NB off ramp at McKinley Avenue Interchange. According to the plan, the distance appears to be 200 feet between NB off ramp terminus and the new McKinley Avenue connector. The distance between ramp terminus and local road intersection is not standard per the Highway Design Manual. Additionally, the minimum design speed for local roads with interchanges is 35 mph, HDM Table 101.2. The vertical curve design speed shown on sheet CT9559-A is 30 mph. With A = 16%, the grade seems excessive. The transportation technical report is also lacking the study of the impact to the SR 99 NB off ramp at McKinley Avenue due to the new connector. The report should be re-analyzed to include the impact and any mitigation measures.	SIM
25	12	T2137		Sheet T2137 shows the HST going under the SR 180 alignment. The tunnel and structure should not preclude Caltrans full access to its Right of Way for future widening projects and for Maintenance needs, and all HST elements (headwalls, maintenance access openings, fencing, . . . etc) should begin and end outside of the state Right of Way.	SIM
26	13	T2143		Sheet T2143 shows the HST going under the SR 41 bridges that span Golden State and connect to the SR 99 freeway-to-freeway interchange. The HST proposes substandard vertical clearance under these bridges. The HST should not preclude future widening on the low side of the superstructure (into the median) in the southbound direction nor to the outside in the northbound direction. The HST Clearance Envelope should account for future widening of SR 41 or any State Route.	SIM
Transportation Planning					
27	1	Chapter 1.2.4 C, Chapter 3.13.5		Comment the HSR for highlighting the role of local transit in providing connectivity to the HSR system and promoting the potential use for transit-oriented development in station areas.	RT
28	2	Chapter 3.12		Under Socioeconomic, Community, and Environmental Justice. The chapter discusses the displacement of various shelters (homeless, women's, etc). It is important to make sure there are adequate transportation/transit options to transport these individuals to these shelters if the new sites do not fall within an easily walkable distance.	RT
29	3	General		The document indicates that some of the HMP alternatives would have access from SR 99 or SR 152. This should be clarified that direct access from the highway and/or freeway would not occur except by way of a local road via an interchange or intersection.	RT

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721-10	30	4	General	Caltrans has reviewed significant development plans in all quadrants of the SR 99/Ave 17 and have been working with consultants on plans to reconstruct the interchange to accommodate development. Coordination will be necessary in order to accommodate the HST and the corresponding interchange development resulting from proposed development.	RT
721-11	31	5	SR 99/Ave 12 interchange	Caltrans currently has an interchange project that would reconstruct the SR 99/Ave 12 interchange. HST facilities will need to take those plans into consideration.	RT
721-12	32	6	General	It is indicated that Golden State Blvd would be closed between Olive and Belmont Avenues. Caltrans has long expressed the desire to close the SR 99/Belmont interchange. Closure of this segment of Golden State Blvd may jeopardize our ability to do so as Golden State functions as the only true parallel facility to SR 99 in this vicinity. Golden State Blvd in this vicinity is used as a detour route when there is an accident or unforeseen circumstances that requires the closing SR 99 in this area. Furthermore, this eliminates a parallel alternative to SR 99 which will result in vehicles taking short trips on the freeway due to the lack of a parallel alternative, thus adding trips to SR 99. The impacts of this and other road closures and their impact to SR 99 need to be thoroughly evaluated.	RT
721-13	33	7	General	The HST Station in downtown Fresno does not appear to provide for any additional parking. It appears to utilize existing parking facilities that are currently being utilized by existing downtown businesses and Chukchansi Park. It is assumed the HST station would have many of the characteristics of an airport in which there would be a mix of travelers who would utilize long-term and short-term parking.	RT
721-13	34	8	General	Existing two lane local roads such as H Street do not seem adequate for accommodating the traffic the HST Station would generate based upon the anticipated riders. This is further compounded by the closing of local streets around the station. Consider providing additional parking and using routes from the station other than two lane local roads.	RT
721-14	39	13		The document references a 400 foot setback from the northern right-of-way of SR 152 to accommodate future planned improvements. While it is recommended that there be a setback to accommodate future widening, a 400 foot setback may result in excess lands. Access to these parcels which would take place from the local roads will be problematic due to inadequate spacing from current intersections and/or future interchanges.	
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	Cmt No.	Section				
721-13						
721-15	42	16	Chapter 3.2.5	3.2-82 to 3.2-97	The large local development projects should be indicated to show the transportation/circulation system and air quality cumulative impacts. The Fresno and Merced stations locations are within long established developed areas of the cities with existing street grids. The closure of the existing local streets along the HST Right of Way will require the diverted traffic to converge on two and four-lane streets in Fresno and Merced. In the future, will the project-generated trips have significant impacts to adjoining state routed and interchanges? The traffic study submitted with the Draft EIR indicates opening day volumes that will need to increase as travelers become accustomed to the system and for the system to become economically viable. A Traffic Impact Study is needed at five (5) year intervals, after opening day, to assess the project-related impacts to the SIS and appropriate mitigation measures. Each of these mitigations, plus all the local agency impacts (City or County), should show the proportionate cost share that the HSR should pay toward the improvement(s) indicated. These funds should be put into a designated funding source; this should be indicated in the EIR.	RT
721-13						
721-16			Traffic Operations			
44	1	General			The traffic study should include discussion and agreement from local jurisdiction on closing SR 99 SB ramps at Dakota Avenue, Shields Avenue and Princeton Avenue.	WY
45	2	General			Provide 95 percentile queue length analysis at all roadway intersections that are within State right of way.	WY
46	3	General			Page 4-25, the intersection at SR 99 SB off ramp at Dakota Avenue is missing from the traffic study.	WY
47	4	Fresno HST Station			With reference to Table 6.3-2, provide assumption why AM Peak In trips are equal to PM peak Out trips.	WY
48	5	Fresno HST Station			Does the trip generation for the Fresno Station include trips from the proposed Kings/Tulare Regional Station if the Kings/Tulare Regional station were not selected?	WY
49	6	Fresno HST Station			Since many intersections in the study area are closely spaced with short turn lanes, queuing analysis is required in addition to delay and LOS. Any proposed re-configuration of traffic lanes also requires queuing and traffic analysis to determine its impact.	WY
50	7	Fresno HST Station			Figure 5.1-1 - Generated trips appears to be distributed somewhat evenly among SR 41, SR 99 and SR 180. However, a majority of the trips distributed to SR 180 are expected to use SR 41 and SR 99 instead. Revise the trip distributions and update analysis.	WY
51	8	Fresno HST Station			Figures 5.1-4a, 5.2-2a & 5.4-2a - Need to add project trips to all freeway ramps, then analyze and propose mitigations as needed.	WY

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721-16	52	9	Fresno HST Station		Figure 5.1-4b - Significant number of left turn trips are added to the SB 99 off-ramp to Fresno Street. Future plus project LOS is F with increased delay. Is there any mitigation for the off ramp?	WY
	53	10	Fresno HST Station		Figures 5.1-4e, 5.2-2e & 5.4-2e - Need to add project trips to SR 41 ramps at O Street and M Street, then analyze and propose mitigations as needed.	WY
	54	11	Fresno HST Station		Technical Report 5.5.3, Intersection 37 (SB 99 ramps & Fresno St): mitigation calls for Widening the EB Fresno Street to provide two through lanes and one right-turn lane, and Intersection 38 (NB SR 99 ramps & Fresno St) calls for re-striping the EB approach to provide two left-turn lanes and one through lane. This would create a trap lane which is not desirable. Queues may back up beyond the next intersection due to close proximity, queuing analysis is required.	WY
	55	12	Fresno HST Station		Technical Report 5.5.3, Intersection 71 (EB SR 180 ramps & Van Ness Ave): mitigation calls for re-striping NB Van Ness Ave to provide one through lane, one shared through/right-turn lane, and one exclusive right-turn lane. This would require adding a lane on the EB SR 180 on-ramp to accommodate the dual right turn lane. The existing HOV lane cannot be converted to a mix-use lane.	WY
	56	13	Fresno HST Station		Technical Report 5.5.3, Intersection 79 (EB SR 180 ramps & N. Abby St): mitigation calls for re-striping NB Abby St to provide one shared through/left-turn lane, one through lane, one shared through/right-turn lane, and one exclusive right-turn lane. This would require adding a lane on the EB SR 180 on-ramp to accommodate the dual right turn lane. The existing HOV lane cannot be converted to a mix-use lane.	WY
	57	14	Clinton Ave OC		Consult local jurisdiction in regards the need to accommodate bike traffic along the Clinton OC.	WY
721-17	58	15	Clinton Ave OC		Provide exclusive WB RT lane along Clinton Ave at the NB ramp terminus (Table 7.3-8 and Fig 6.7-5)	WY
721-16	59	16	Clinton Ave OC		Provide 95% queue length analysis at the ramp terminus to evaluate whether queuing vehicle will be backing into the gore area of SR 99.	WY
	60	17	Clinton Ave OC		For the Clinton Avenue and SR 99 SB off ramp, in specific the 2035 AM build scenario, traffic volumes utilized in Synchro analysis worksheet do not match traffic volumes as indicated in Fig 6.7-7. In addition, as there is no forecast SB through movement, the SB lane assignment should be 2 exclusive right turn lanes and 2 exclusive left turn lane.	WY
721-18	61	18	Ashlan OH and OC		It is recommended to incorporate exclusive WBR at the Intersection 17 (SR 99 NB off ramp terminus at Ashlan Avenue).	WY
721-16	62	19	Ashlan OH and OC		With reference to Fig 5.3-4 (future 2035 NO project) and Fig 6.7-7 (future 2035 with project), it appears there is an abnormality in the forecast traffic volumes at Intersection 16. With the exception of SB through movement, the forecast traffic volume for NO project traffic volume is much higher than the forecast traffic volume for project scenario. Also, NO project traffic volume appears on the high side.	WY
	63	20	Ashlan OH and OC		Provide 95% queue length analysis at Intersections to evaluate whether queuing vehicles will back into the mainline traffic of SR 99.	WY
	64	21	HMP		For traffic signal mitigation beyond opening date, it is recommended appropriate mechanism to be developed to secure the funding.	WY
721-19	65	22	(Mad145 Near SF UP_PM12.1)	CT2004-A	The proposed design speed for vertical curve is 45mph. The current posted speed limit is 55 mph. The critical speed is 57-58 mph as recorded by Caltrans Traffic Investigation. A minimum of 55 mph design speed should be used to design the vertical curve and sight distance.	SL
	66	23	SR 145		Route 145 at this location is planned for a 4-lane conventional highway with median, 8 foot shoulders, 4 foot bike lanes, and 10 foot sidewalks. Please indicate how HST's plan is consistent with this concept.	SL

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67	24	SR 145		If the Route 145 vertical curve will be realigned, would the existing East Midlers UP just north of the future HST be impacted? Please show the existing UP in the profiles.	SL
68	25	(Near Ave 21, PM19.8)		Route 99 at this location is planned for an ultimate 8-lane freeway with an auxiliary lane on both directions. 10 foot shoulders will be required. Existing Route 99 is a 6-lane freeway and the median width is approximately 36 feet (ETW to ETW). When the freeway is widened to the median, there is inadequate space to place the standard shoulder width plus the HST structure column width. Please provide cross-section perpendicular to Route 99.	SL
69	26	Mad 99 Fairmead IC	T2312-A	The Route 99 interchange at Avenue 219/Road 20 (Fairmead Interchange) has recently been completed. Please show the new interchange on the HST plans.	SL
70	27	Mad 99 - Ave20 /20-1/2	T2107-A	Please show the future new interchange on the HST Plans. Also indicate the placement of the HST columns.	WY
71	28	Mad 99 - Ave 18	T2109-A	Based on the previous traffic study for CAT17 Commercial Development, Avenue 18 1/2 would need to be widened to 4 lanes with dual left-turn to the NB on-ramp. However, providing the span for 6 lanes plus dual left-turn lanes are recommended. The proposed HST east of the existing UPRR should be consistent with the future lane configuration.	SL
72	29	Mad 99 - Ave 17	T2111-A	A PSR to reconstruct the Route 99/Ave17 IC is being prepared. The completion of the PSR is unknown at this time. Based on previous traffic study for commercial development, Avenue 17 would need to be widened to 6 lanes with dual left-turn lanes to the NB on-ramp. The proposed HST should be consistent with the future widening on Avenue 17.	SL
73	30	Mad 99 - Ave 12	T2118-A	The reconstruction of Route 99/Avenue 12 interchange is in PSE stage. The HST columns should be consistent with the interchange design. Please show the Caltrans interchange design on the HST plans.	SL
74	31	Mad 99 - Ave 11	T2119-A	Route 99 at this location is planned for an ultimate 8-lane freeway. Please provide cross-section perpendicular to Route 99.	SL
75	32	Mad 152 - Road 18		Route 152 is planned for 6-lane freeway on 280 feet right of way with interchanges. According to Caltrans right of way record, right of way for an interchange was preserved for Route 152 at Road 17 1/2. The impact the proposed HST to the future interchange cannot be determined at this time.	SL
Design					
76	1	General		The profile on Clinton Ave. exceeds 6%. ADA requires special provisions beyond 5%. Also verify ramp terminals to see if the 4% truck over turning is violated.	HSB
77	2	General		The proposed right of way at the proposed Cul-de-sac on the north end of Woodson should be moved south to remove the right of way choke point near the CHP enforcement zone.	HSB
78	3	General		What is the lateral clearances at the Clinton Avenue bridge supports? Confirm that the UTC will be accommodated under the bridge openings.	HSB
79	4	General		Superelevation run off on the SB Clinton on ramp is non-standard.	HSB
80	5	General		The traffic handling/stage construction plans at Clinton interchange should accommodate pedestrians in each stage.	HSB
81	6	General		Refer to DB 78-02 checklist and provide checklist for all impacted locations.	HSB
82	7	General		The separation between frontage road ETW (edge of travel way) and SHS ETW should be 26' minimum. Address HDM 310.2	HSB

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83	8	General		At Clinton interchange ramps, it seemed that the edge of shoulder to catch point is less than 18'. Please address 304.1 of HDM	HSB
84	9	General		Per Caltrans memorandum of understanding, HST is designing for ultimate transportation route concept of Route 99. However, few locations do not seem to be supporting the ultimate 8-lane concept. For example, the Clinton NB on-ramp which seems to be very tight already for 6-lane facility and ramp is encroaching the HST right of way. Please address 8 lane concept.	HSB
85	10	General		Provide horizontal clearance from ETW to HST piers. At few locations, the state edge of travel way is encroaching HST right of way.	HSB
86	11	General		Shoulder width of Clinton Ave overcrossing (OC) should be per 308.1. Due to bike and pedestrian demands in the area, it is recommended to provide 8' shoulders.	HSB
87	12	General		Clinton O.C. to be checked with Bike Route established by Fresno City.	HSB
88	13	X-section	X-3	At locations where sidewalk is only on one side, it is recommended to provide a 10ft sidewalk.	HSB
District Maintenance					
89	1	Disturbed Area		Maintenance of the areas for proposed basin and other BMPs should be included as part of the Maintenance Agreement between Caltrans and HSR.A	MAS
HQ Structures (OSFP)					
90	1			When HSR viaducts cross SR99 with a large skew angle, the straddle bent with steel superstructure system is used for viaduct design. There are several concerns on this system: - The skewed bent with superstructure (about 45 degree) may introduce lateral movement under traction or braking force of the train. - The large span bentcap will reduce the vertical stiffness of the structure. Will this cause resonance effect with the running train? To make sure this design option work, does the designer need to carry out some modeling analysis at this stage? - Under function level EQ, could the lateral or longitudinal deflection exceed the service deflection limits? Is modeling analysis at this stage necessary to make sure the system work?	LZ

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The continued coordination between the CHSRA project team and Caltrans will include preparation of the Project Report(s), Design Exception Fact Sheets and other technical studies as appropriate, with an ultimate goal of obtaining Caltrans approval for modification to the SHS. Future expansion of the SHS and Caltrans highway design standards will be considered and incorporated into the final design of SHS modifications for selected HST alternative as appropriate. Caltrans standard processes for obtaining approval on non-standard design features will be followed if exceptions to design standards are determined to be necessary. Right-of-way for drainage basins will be accommodated in to the project footprint as appropriate. Pumping plants will be incorporated into the project as applicable.

We agree that other alternatives to a jacked box are likely to be studied by the DB bidders. The design teams has also investigated other options for going under the SR180 on the current alignment. The following options (A to D) are considered feasible although the design team took the view that these would each be more disruptive to Caltrans than the jacked box. Options for changing the alignment of the Fresno Grade Separation were also investigated and it was found that varying the current alignment in any significant degree had major impacts on property and facilities in an extended area to either side of the SR180. These were discounted.

Option A: Construct the Fresno Grade Separation Structure using conventional excavation methods

- Temporarily support the end of the bridge span using the side slope adjacent to the UPRR;
- Demolish the existing abutment and excavate underneath to approx UPRR rail level;
- Construct the side wall of the HST trench using either tangent pile walling or diaphragm walling
(Note this excavation would be approximately 70 feet below the SR180 Travel way level);
- Extend the trench walling vertically to provide a new pier bent for the existing bridge;
- Construct a similar trench wall at the other side of the HST route which would also act as a new abutment.
- Construct an extension to the SR180 bridge decks to span over the trench to the

721-1

new abutment.

The disadvantage of this is that the Caltrans structure and the HST structure would not be independent of each other. The SR180 would need to be closed for the entire duration of the construction or alternatively span the works with temporary bridging to maintain some level of through traffic.

Option B:

- Construct the Fresno Grade Separation Structure as Option A but with increased spacing to permit the HST U-trough section, as currently designed, to be built within the excavation.

This option would provide the separation between the Caltrans structure and the HST structure that option A1 does not. However by requiring more space for separation it may be difficult to achieve without realignment of the HST route.

Option C:

- Same as option A except that the HST box section is constructed in the excavation;
- After construction of the box, backfill the embankment, reconstruct the abutment to the SR180 bridge and reinstate the travel way above.

Option D: Construct a new end span of the SR180 bridge in advance of the HST U-Trough works.

- Excavate embankment
- Support deck and demolish existing abutment
- Construct new pier bent to replace abutment
- Construct new abutment and deck
- Re-open SR180
- Construct trench in conventional manner, but with monitoring of SR180 bridge and adjustment as necessary.

721-2

Some of Caltrans' future improvements are included as part HST Project due to the impact of HST facilities. There are possibilities to collaborate on other Caltrans' future improvements, this will depend on MOU/Agency Agreement between HST Authority and

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Caltrans

721-3

In preparation of the EIR/EIS, environmental databases were queried to identify sites with known contamination (see section 3.10.4 of the EIR/EIS). These sites are analyzed in detail in Section 3.10.5 of the EIR/EIS and the supporting Hazardous Materials/Wastes Technical Report (available at <http://www.cahighspeedrail.ca.gov/assets/0/152/303/306/46299433-805f-4e4e-8238-df1ac30c6ca8.pdf>). In addition, hazards commonly associated with demolition, such as lead and asbestos containing materials, are addressed. Standard precautions and a construction management plan that would mitigate these potential hazards would be implemented. Refer to Section 3.10, Hazardous Materials and Wastes, for additional information.

721-4

See MF-Response-VISUAL-3.

The EIR/EIS in Table 3.16-2, Characteristics of Typical HST Components, addresses the comment regarding berm height.

721-5

In this comment, Caltrans provide five separate comments and questions regarding stormwater quality. Responses to their numbered comments are as follows. (1) Yes - there would be no significant impacts to water quality because the project will comply with the General Construction Permit and the Caltrans MS4 permits. (2) Yes - the project will comply with post-construction treatment controls as required by applicable rules and regulations. (3) Yes - the statement about the three reports (Hydraulics and Floodplains, Stormwater Management Plan, and Stormwater Data Report) is correct. (4) Yes - the project will comply with the rules and regulations applicable during project implementation, including updates to the Caltrans PPDG and draft MS4 permit. (5) Text was added to Section 3.8 (Hydrology and Water Resources) regarding the Caltrans statewide NPDES permit.

721-6

As presented in Section 3.4.5.3, titled High-Speed Train Alternatives, potential noise

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impacts associated with highway realignments have been identified. As the project design advances, more detailed information on mitigation will be available. Please also see MF-Response-NOISE-3 and MF-Response-NOISE-9.

721-7

#14. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate. Caltrans highway design standards will be considered and incorporated into the final design of SHS modifications for the selected HST alternative as appropriate.

#15. The connection of McKinley Ave to Golden State Blvd is important. Therefore providing the McKinley Ave connector is needed. An exception will be submitted for the separation distance from the new connector road to the SR 99 ramps. We also looked at ways to achieve a higher design speed for McKinley Ave. However, with the need to tie in by SR 99 on the West and N West Ave on the east, the combination of grades and required vertical clearance limited the vertical curve length and therefore the design speed.

#16. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate. Caltrans highway design standards will be considered and incorporated into the final design of SHS modifications for the selected HST alternative as appropriate.

#17. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate. Caltrans highway design standards will be considered and incorporated into the final design of SHS modifications for the selected HST alternative as appropriate.

#18. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate. Caltrans highway design standards will be considered and incorporated into the final design of SHS modifications for the selected HST alternative as appropriate.

#19. Future expansion of the SHS will be considered and incorporated into the final

Response to Submission 721 (Christine Inouye, Department of Transportation - Caltrans, Division of Design, October 13, 2011) - Continued

721-7

design of the selected HST alternative as appropriate. Caltrans highway design standards will be considered and incorporated into the final design of SHS modifications for the selected HST alternative as appropriate.

#20: Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate. Caltrans highway design standards will be considered and incorporated into the final design of SHS modifications for the selected HST alternative as appropriate.

#21: Through consultation with Caltrans, the grade of Ashlan Avenue has been improved to 6.2 percent.

#22: Design in this area has been altered so that the bridge will not be affected.

#23: Golden State Blvd will be closed between Olive and Belmont Avenues to accommodate HST. Intersections and roadway segments analyses for the Golden State Blvd closure is included in the EIR/EIS which includes the intersection of SR 99 ramps at Belmont Avenue. The traffic analysis presented in Section 3.2 Transportation and the Transportation Technical Report, identifies roadway segments and intersections that would be impacted with Golden State Blvd closure and proposes mitigation measures to reduce the project impact to a less than significant level, including impacts and mitigations at Belmont Avenue ramps.

#24: The distance of 200 feet between the SR 99 NB off ramp and the new McKinley Ave connector may require a Caltrans design variance. Coordination with the City of Fresno and Caltrans is ongoing to improve design speed to 35 mph for the McKinley connector.

#25: The proposed tunnel structure has been amended to begin/end at the Caltrans ROW boundary. No access to the HST facilities is proposed that requires access to Caltrans ROW.

Caltrans maintenance access will be accessible as at present although some small degree of regarding of the track may be necessary.

721-7

Allowance has been made in the design of the headwall structures to permit future widening of the SR180 by the addition of a single additional lane to each existing travelway.

#26: Adding a lane on the low side of the SB roadway would not be prohibited from a HST clearances perspective. Adding a lane to the low side of the NB roadway is constrained but there are feasible methods in which a lane could be added. Adding a lane to the high side (median) of the NB roadway would be less constrained.

It should be noted that the process of constructing the additional lanes above a functioning railway way would likely restrict the construction methods. This may be further constrained by the clearances to the HST but there do seem to be feasible methods of achieving it.

721-8

See MF-Response-SOCIAL-1 and MF-Response-SOCIAL-7. In addition, Section 3.12.5 provides information on the community facilities that would be impacted by the HST project and based upon the preliminary analysis there are locations within the surrounding area where the facilities could relocate and no impacts are anticipated related to transit or transportation access to the facilities. SO-MM#4, Implement measures to reduce impacts associated with the relocation of community facilities, in Section 3.12.7 provides for relocation of community facilities to be acquired prior to demolition in order to minimize disruption of services.

721-9

Text updated in the Transportation Technical Report as suggested.

721-10

During the final design of the SHS modifications for the selected HST alternative, the CHSRA team will coordinate with Caltrans and other involved parties to resolve any technical issues. Future expansion of the SHS will be considered and incorporated into the final design of SHS modifications for the selected HST alternative as appropriate.

Response to Submission 721 (Christine Inouye, Department of Transportation - Caltrans, Division of Design, October 13, 2011) - Continued

721-11

Intersections and roadway segments analyses for the Golden State Blvd closure is included in the EIR/EIS which includes the intersection of SR 99 ramps at Belmont Avenue. The traffic analysis presented in Section 3.2 Transportation and the Transportation Technical Report, identifies roadway segments and intersections that would be impacted with Golden State Blvd closure and proposes mitigation measures to reduce the project impact to a less than significant level.

721-12

Response to #7 - The proposed project would provide up to approximately 5,000 additional parking spaces in parking structures by Year 2035 in the immediate vicinity of the project. This is in addition to existing parking space availability. The new parking would be provided as demand requires. See Section 3.2.5.3.

The parking analysis for the proposed project has been conducted and documented in the Transportation Technical Report.

Response to #8 - Roadway segments along H Street are projected to operate at LOS E or higher under No-Build Conditions. The addition of traffic from proposed project would not significantly impact the operations along the roadway segments based on the significance threshold criteria.

721-13

See MF-Response-CULTURAL-1.

#35: Suggested text added to page 3.17.1

#36: Suggested text added to page 3.17-3

#37: Text added before Table 3.17-3 indicating location of tribal meetings

#38: Suggested text added to page 3.17-26

#40: Suggested text added to page 3.17-31

#41: Suggested paragraph added to page 3.17-31

721-13

#43: See MF-Response-CULTURAL-7.

721-14

See MF-Response-GENERAL-16.

The San Jose to Merced team is analyzing a potential SR152 alignment and the design discussed in the Merced to Fresno EIR/EIS is subject to change.

721-15

Traffic analysis was performed based on the complete build-out project volumes that is expected in the year 2035. The future baseline conditions (2035 no project) were developed based on the travel demand models received from the respective counties.

721-16

#44 - Per discussion with Caltrans at the December 1 meeting, the City is generally in agreement with these closures, but formal documentation will be sought on their agreement.

#45 - Queuing analysis is included in the FEIR/EIS.

#46 - The intersection of SR 99 SB off ramp at Dakota Avenue was not included in the traffic study because it will be eliminated with the SR 99 realignment, and therefore there will not be any negative impacts.

#47 - The analysis was conducted to analyze the worst case condition, with the same number of trips leaving the station during the p.m. peak hour as arriving at the station during the a.m. peak hour. The trip numbers in detail is documented in the EIR/EIS.

#48 - Traffic projections for the Fresno Station provide a worst case estimate of traffic, using volumes that would occur if the Kings/Tulare Regional Station were not built.

#49 - Queuing analyses is included in the FEIR/EIS.

Response to Submission 721 (Christine Inouye, Department of Transportation - Caltrans, Division of Design, October 13, 2011) - Continued

721-16

#50 - Trip distribution for the project was conducted utilizing the Fresno County Travel Demand Model. Trip distribution also takes into account the forecasted ridership (origin and destination) completed for the proposed project.

#51 – Figures are updated to show project trips to all freeway ramps. Revised traffic analysis presented in the FEIS identifies project impacts, if any and proposed mitigations to reduce these impacts to less than significant level.

#52 – Revised traffic analysis presented in the FEIS identifies project impact at this location and proposes mitigations to reduce the impact to less than significant level.

#53 – These intersections have been added to the Fresno traffic analysis.

#54, #55, #56 – Traffic mitigation measures TR MM#1 through 11 provided in the EIR/EIS would reduce potential effects to less than significant. The Authority will work with Caltrans to revise these mitigation measures so they are acceptable to the Caltrans and equal to or more effective than the measures provided in the DEIR/EIS.

#57 – Clinton Ave is not part of Bike Route per City of Fresno Bicycle, Pedestrian, & Trail Master Plan.

#59 – This issue was discussed in some detail with Caltrans at the December 1, 2011, meeting. The right-turn volumes are relatively low, so the Authority's recommendation is to maintain the shared lane, given the high cost of widening the structure. Caltrans is discussing this issue internally.

#60 – Queuing analyses is included in the FEIR/EIS.

#62 - This is intersection #8. Figures are updated for FEIR/EIS. While the through volumes are zero, the through movement is provided as an escape route for drivers returning to the freeway.

#63 - Westbound right-turn is included in the design.

721-16

#64 - Updated figures is provided in FEIR/EIS.

721-17

#15 - The CHSRA team has been in discussion with Caltrans for this particular intersection. Traffic demand and analysis will be prepared and coordinated with Caltrans, and project related improvements will be implemented in the final design if determined to be necessary.

721-18

The CHSRA team has been in discussion with Caltrans for this particular intersection. Traffic demand and analysis will be prepared and coordinated with Caltrans, and project related improvements will be implemented in the final design if determined to be necessary.

721-19

65. The CHSRA team will coordinate with Caltrans on design standards and other technical requirements during the final design of SHS modifications for the selected HST alternative as appropriate.

66. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate.

67. The existing underpass north of the future HST is not anticipated to be impacted. This will need to be confirmed during the final design of the SHS modifications for the selected HST alternative.

68. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate.

69. Drawings prepared during the final design phase will correctly depict the existing condition.

70. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative including column placement as appropriate.

Response to Submission 721 (Christine Inouye, Department of Transportation - Caltrans, Division of Design, October 13, 2011) - Continued

721-19

71. Future expansion of the local roadways will be considered and incorporated into the final design of the selected HST alternative as appropriate.

72. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate.

73. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative including column placement as appropriate.

74. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative as appropriate.

75. Future expansion of the SHS will be considered and incorporated into the final design of the selected HST alternative including column placement as appropriate.

76. Special provisions for ADA compliance will be incorporated in the final design. The required documentation for a 4% cross slope at ramp terminal will be prepared.

77. The preliminary engineering drawing has been revised to remove the right of way choke point by moving the cul-de-sac 100' south.

78. The lateral clearance is approximately 110' in the northbound direction and 106' in the southbound direction. Ultimate traffic condition (UTC) will be accommodated under the bridge openings.

79. A design exception fact sheet will be prepared for this non-standard feature.

80. The preliminary engineering drawing has been revised to accommodate pedestrians in each stage of construction.

81. The DIB 78-02 checklist has been provided to Caltrans for all impacted locations.

82. There is no frontage road on this sheet. C1 line is Clinton Ave northbound on-ramp and C2 line is Clinton Avenue southbound off-ramp. MS line is McKinley Ave

721-19

southbound off-ramp and MN line is McKinley Ave northbound on-ramp (naming convention per Caltrans).

83. The preliminary engineering drawing has been corrected per comment.

84. Through District communication, we understand under the ultimate condition, the existing McKinley on-ramp will be removed (i.e. new interchange at McKinley will be provided). This will provide the required right of way for 8-lane facility at Clinton Ave, and therefore the current design does not preclude the ultimate concept.

85. The HST will be at-grade through this area.

86. 5-foot shoulders have been provided which meet the Highway Design Manual. Due to high bridge cost, wider shoulders than minimum requirement have not been provided.

87. Clinton Avenue is not part of the Bike Route per City of Fresno Bike Facilities and Bicycle, Pedestrian and Trail Master Plan.

88. 5-foot shoulders have been provided which meet the Highway Design Manual. Due to high bridge cost, wider shoulders than minimum requirement have not been provided.

89. Maintenance of stormwater basins and other BMPs will be addressed in the Maintenance Agreement currently being negotiated by Caltrans and the Authority.

90. Technical requirements such as these for the HST viaduct structures will be coordinated with Caltrans for the selected HST alternative during the final design phase.

Submission 282 (Dave Singleton, Native American Heritage Commission, August 24, 2011)

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 354
SACRAMENTO, CA 95814
(916) 553-9251
Fax (916) 657-5390



AUG 24 2011

August 22, 2011

Mr. Dan Leavitt, Planner
California High-Speed Rail Authority
770 "L" Street, Suite 800
Sacramento, CA 95814

Re: SCH#2009091125 CEQA Notice of Completion: draft Environmental Impact Report (DEIR) for the "California High-Speed Train Project, Merced to Fresno" Merced, Madera and Fresno Counties, California.

Dear Mr. Leavitt:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you

282-1

make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC is of the opinion that the current project remains under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq*, and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

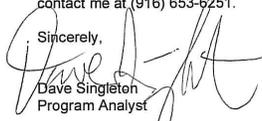
282-1

2

Submission 282 (Dave Singleton, Native American Heritage Commission, August 24, 2011) - Continued

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

California Native American Contact List
Madera, Merced and Fresno Counties
August 22, 2011

North Fork Mono Tribe
Ron Goode, Chairperson
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rwgoode911@hotmail.com
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(559) 355-1774 - cell

California Valley Miwok Tribe
Silvia Burley, Chairperson
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Stockton, CA 95212
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209-931-4333

North Fork Rancheria
Elaine Fink, Chairperson
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(559) 877-2467 Fax

Dumna Wo-Wah Tribal Government
Keith F. Turner, Tribal Contact
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Auberry, CA 93602 Mono
t'si-akimcorr@at.net
(559) 855-3128 Home
(559) 696-0191 (Cell)

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Morris Reid, Chairperson
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Coarsegold, CA 93614
(559) 683-6633
(559) 683-0599 - Fax

North Valley Yokuts Tribe
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canutes@verizon.net

Southern Sierra Miwok Nation
Jay Johnson, Spiritual Leader
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Mariposa, CA 95338 Pauite
209-966-6038 Northern Valley Yokut

Sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. 125 Mono
Dunlap, CA 93621 Foothill Yokuts
(559) 338-2354 Choinumni

This list is current only as of the date of this document.
Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code,
Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed
SCH#2009091125; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the California High Speed Train, Merced to Fresno;
Madera, Merced and Fresno Counties, California.

Submission 282 (Dave Singleton, Native American Heritage Commission, August 24, 2011) - Continued

California Native American Contact List
Madera, Merced and Fresno Counties
August 22, 2011

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Miwok
Pauite
Northern Valley Yokut

Dumna Wo-Wah Tribal Government
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559-243-9926 -home

Dumna/Foothill
Choinumni

Choinumni Tribe; Choinumni/Mono
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Clovis, CA 93611

Choinumni
Mono

Southern Sierra Miwuk Nation
Les James, Spiritual Leader
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Miwok
Pauite
Northern Valley Yokut

Picayune Rancheria of Chuckchansi
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Chuckchansi / Yokut

Chowchilla Tribe of Yokuts
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North Valley Yokuts

Picayune Rancheria of Chuckchansi
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Chuckchansi / Yokut

California Native American Contact List
Madera, Merced and Fresno Counties
August 22, 2011

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Western Mono

Kings River Choinumni Farm Tribe
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Clovis, CA 93612-2211
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Foothill Yokuts
Choinumni

Cold Springs Rancheria of Mono Indians
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Mono

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Mono

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Foothill Yokuts
Choinumni

Table Mountain Rancheria
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Yokuts

The Choinumni Tribe of Yokuts
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Choinumni
Foothill YoKut

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009091125; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the California High Speed Train, Merced to Fresno; Madera, Merced and Fresno Counties, California.

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Submission 282 (Dave Singleton, Native American Heritage Commission, August 24, 2011) - Continued

California Native American Contact List
Madera, Merced and Fresno Counties
August 22, 2011

Traditional Choinumni Tribe
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Santa Rosa Tachi Rancheria
Lalo Franco, Cultural Coordinator
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Lemoore , CA 93245 Tache
(559) 924-1278 - Ext. 5 Yokut
(559) 924-3583 - FAX

This list is current only as of the date of this document.
Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code,
Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed
SCH#2009091125; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the California High Speed Train, Merced to Fresno;
Madera, Merced and Fresno Counties, California.

Response to Submission 282 (Dave Singleton, Native American Heritage Commission, August 24, 2011)

282-1

See MF-Response-CULTURAL-7.

The FRA and the Authority are committed to seeking input from the local Native American community regarding any concerns they may have about sacred sites and/or other cultural resources that occur within the project's APE. Consultation and communications with both federally recognized and non-federally recognized tribes (including all of those on the list provided by the NAHC) have consisted of letters, phone calls, emails, and/or meetings. Please see Section 3.17.3.3 (Agency, Native American, and Public Outreach) of the Merced-To-Fresno Section Project EIR/EIS, Volume I, for additional details regarding Native American outreach and involvement to-date. Tribal representatives will continue to be informed and their input will continue to be solicited as the project moves forward. The consultation process is elaborated upon in the Programmatic Agreement among the FRA, the Advisory Council on Historic Preservation, and the CHSRA regarding compliance with Section 106 of the National Historic Preservation Act as it Pertains to the California High-Speed Train Project, in Section IV (On-Going Consultation) and in Section V (Participation of Other Consulting Parties and the Public). This Programmatic Agreement is included as Appendix 3.17-A of the Final EIR/EIS.

Should it not be possible for the project to avoid cultural resources, the procedures for the treatment of historic properties will be followed in accordance with Section VIII (Treatment of Historic Properties) of the Programmatic Agreement. Section XII of the Programmatic Agreement addresses concerns about the confidentiality of cultural resources and ensures that they are protected from public disclosure to the greatest extent permitted by law. The treatment of human remains, if encountered during the course of cultural resource investigations and/or during construction, would be accomplished in accordance with the Public Health and Safety Code, Section 7050.5 and Public Resources Code, Section 5097.98, as described in Section XIII (Human Remains) of the Programmatic Agreement.

Submission 775 (Tom Dumas, State of California Department of Transportation, October 13, 2011)

Oct. 13. 2011 2:39PM

No. 0234 P. 1

STATE OF CALIFORNIA
FACSIMILE COVER
10-2A-0049



10-13-11P04:14 RCVD

TO: Mr. Dan Leavitt		FROM: Joshua Swearingen, Transportation Planner Caltrans – D10, Metropolitan Planning	
		DEPARTMENT OF TRANSPORTATION 1976 EAST CHARTER WAY STOCKTON, CA 95205	
UNIT/COMPANY: California High Speed Rail Authority		DATE: 10 -11-11	TOTAL PAGES (Including Cover Page): 5
		FAX # (209) 942-7194	ATSS FAX N/A
DISTRICT/CITY: Merced		PHONE # (209) 948-7142	ATSS N/A
PHONE # (916) 322-1397	FAX # (916) 322-0827	ORIGINAL DISPOSITION:	

RE: 10-MER-99-PM Various
HSR Draft EIR/EIS Merced to Fresno Section
SCH No.: 2009091125

Thank you,

Josh

Oct. 13. 2011 2:39PM

No. 0234 P. 2

STATE OF CALIFORNIA—BUSINESS TRANSPORTATION AND HOUSING AGENCY

FERRY BROWN, Governor

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
PHONE (209) 941-1921
FAX (209) 948-7164
TTY: 711



Flex your power!
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October 13, 2011

10-STA-99-PM Various
Merced to Fresno Section Project EIR/EIS
State Clearinghouse No. 2009091125

Mr. Dan Leavitt
California High-Speed Rail
Authority
7070 L Street, Suite 800
Sacramento, CA 95814

Dear Mr. Leavitt:

The California Department of Transportation (Department) appreciates the opportunity to review and comment on the Merced to Fresno Section Project EIR/EIS (Project). The Department has reviewed the submitted documents and has the following comments:

1. In lieu of reliance on the automobile for every trip, the Department supports the concept of a regional circulation system which is pedestrian-, bicycle-, and transit-friendly in order to enable residents to choose alternative modes of transportation. Also, a mixture of land uses creates opportunities to substitute walking for driving. Improved transit accommodation through the provision of park and ride facilities, signal prioritization, or other enhancements can also improve mobility.
2. Although it is indicated that rail freight would not be affected by the High Speed Rail (HSR) in any of the alternatives, no environmental impact report analysis demonstrates how this was determined. There are maps that show the regional truck routes, however the Merced County and local City of Merced truck routes are missing, and there is no complete analysis discussed. This omission should be addressed before a preferred alternative is chosen. An analysis of how truck freight will be impacted in Merced County and its cities/towns such as indicating impacts where trucks are using routes that are assigned as truck routes or where there are roadways, intersections or interchanges with higher truck volumes, not necessarily designated as truck routes (typical of seasonal ag trucking), as truckers could potentially be forced to take a less convenient route increasing miles, time and air emissions.
3. Department policy encourages landscaping within State Right of Way to mitigate visual impacts. For more information and guidelines regarding landscaping issues, please contact Brad Cole at (559) 230-3134.

775-1

775-2

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- 775-3 4. The Department will not be held responsible for any noise impacts to this development, including from the configuration of the Ultimate Transportation Concept (UTC) for SR-99. A noise study should be completed to analyze federal requirements and be based on 20-year traffic projections and the UTC of the State facility. If there is a noise impact, the developer has the responsibility to provide the mitigation.
- 775-4 5. SR 152 Wye may affect the Departments' ability to construct the ultimate interchange at the SR 99 and SR 152 Junction. The current interchange does not provide a SR 152 eastbound to northbound connection to SR 99. Currently the closest alternative to allow this movement is via SR 233 through the City of Chowchilla. City of Chowchilla has expressed interest in the State relinquishing SR 233 to them. This may not be feasible without the ultimate SR 152 interchange. Furthermore, there has been discussion of extending SR 152 east past SR 99 to connect with the future SR 65. Many consider this to be a necessary future facility to alleviate SR 99.
6. The document references a 400 foot setback from the northern right-of-way of SR 152 to accommodate future planned improvements. While it is recommended that there be a setback to accommodate future widening, a 400 foot setback is excessive. This will result in excess lands that will likely not be maintained. It will likely be sold off and result in development between the highway and HST facilities thus growth inducing. Access to these parcels which would take place from the local roads will be problematic due to inadequate spacing from current intersections and/or future interchanges.
- 775-5 7. The document indicates that some of the heavy maintenance facility (HMF) alternatives would have access from SR 99 or SR 152. This should be clarified that direct access from the highway and/or freeway would not occur except by way of a local road via an interchange or intersection.
- 775-6 8. The Department has reviewed significant development plans in all quadrants of the SR 99/Ave 17 and have been working with consultants on plans to reconstruct the interchange to accommodate development. Coordination will be necessary in order to accommodate the HST and the corresponding interchange development resulting from proposed development.
9. It should be noted that the Department currently has an interchange project that would reconstruct the SR 99/Ave 12 interchange. HST facilities will need to take those plans into consideration. The document indicates that SR 99 will be shifted between the Ashlan and Clinton Avenue to accommodate the HST. The following future improvements to the SR 99 interchanges in this area have been identified by Caltrans in our review of previous traffic studies as follows:
- a) SR 99 northbound off-ramp to Ashlan – Add turn lane.
 - b) Ashlan Avenue – Widen overcrossing to add eastbound to northbound left turn lane.
 - c) Ashlan Avenue – Widen overcrossing to provide 6 lanes on Ashlan Avenue.
 - d) SR 99 southbound off-ramp to Ashlan – Add turn lane.

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- 775-6 e) SR 99/Dakota – closure
 f) SR 99/Shields – closure
 g) SR 99/Princeton - closure
 h) SR 99/Clinton interchange – widen overcrossing and add eastbound left turn lane to northbound Weber Avenue.
 i) Caltrans Transportation Concept Report identifies the ultimate facility for this segment of SR 99 as being an 8-lane Freeway.
- 775-7 10. It is indicated that Golden State Blvd would be closed between Olive and Belmont Avenues. Caltrans has long expressed the desire to close the SR 99/Belmont interchange. Closure of this segment of Golden State Blvd may jeopardize our ability to do so as Golden State functions as the only true parallel facility to SR 99 in this vicinity. Golden State Blvd in this vicinity is used as a detour route when there is an accident or unforeseen circumstances that require the closing SR 99 in this area. Furthermore, this eliminates a parallel alternative to SR 99 which will result in vehicles taking short trips on the freeway due to the lack of a parallel alternative, thus adding trips to SR 99. The impacts of this and other road closures and their impact to SR 99 need to thoroughly evaluated.
11. The HST Station in downtown Fresno does not appear to provide for any additional parking. It appears to utilize existing parking facilities that are currently being utilized by existing downtown businesses and Chukchansi Park. It does not appear there would be adequate parking. It is assumed the HST station would have many of the characteristics of an airport in which there would be a mix of travelers who would utilize long-term and short-term parking.
12. Existing two lane local roads such as H Street do not seem adequate for accommodating the traffic the HST Station would generate based upon the anticipated riders. This is further compounded by the closing of local streets around the station. Was consideration given to providing additional parking west of the tracks so that additional parking can be provided as well as not having all station traffic forced on to a two lane local road such as H Street?
- 775-8 13. 3.17-24, Native American Consultation: The first paragraph of this section concerns Cultural and Paleontological Resources, Second Paragraph, Page 3.17-1: A sentence could be added stating Native American concerns over disclosure of locations containing culturally sensitive sites. The document offering specific details identifying the village site of Kohou draws additional concerns. The location of the ethnographic village of Kohou at UPRR railroad, State Route 99 across the San Joaquin River, could be offered on more general terms.
14. The Department recommends coordination with the District 10 and District 6 Native American Liaison, Maria Rodriguez at (209) 948-7475 and Marta Frausto at (559) 488-4168, respectively. Coordination with the District 10 and District 6 Native American Cultural Resources Coordinator's is also recommended, Tina Fulton at (209) 948-7879, and Mandy Marine at (559) 243-8211, respectively.

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15. An Encroachment Permit will be required for work (if any) done within the Department's right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department's environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department's ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.

If you have any questions, please contact Joshua Swearingen at (209) 948-7142 (email: joshua_swearingen@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,



TOM DUMAS, Chief
Office of Metropolitan Planning

c: State Clearinghouse, Office of Planning & Research

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See MF-Response-TRAFFIC-2. Merced County truck routes are presented in Figure 4.2-3(a) and the City of Merced truck routes are listed Section 6.12.1 of the Transportation Technical Report. City of Merced truck routes are also listed in the EIR/EIS under Section 3.2.5.3.

775-2

See MF-Response-VISUAL-3.
The EIR/EIS addresses visual impacts mitigation in Section 3.16.6, Mitigation Measures. The mitigation measures include landscape treatments adjacent to the HST corridor.

775-3

See MF-Response-NOISE-6.

775-4

See MF-Response-GENERAL-16. If the alternative selected impacts future expansion of the SR 99/SR 152 interchange, the HST viaduct columns can be adjusted to avoid future Caltrans facilities.

775-5

Text updated in Transportation Technical Report.

775-6

The following suggested improvements will be included in the project:

- b) Ashlan Avenue – Widen overcrossing to add eastbound to northbound left turn lane
- e) SR 99/Dakota – closure
- f) SR 99/Shields – closure
- g) SR 99/Princeton – closure
- h) SR 99/Clinton interchange – widen overcrossing and add eastbound left turn lane to NB Weber Ave

Possibilities for collaboration on other Caltrans' future improvements will depend on the MOU/Agency Agreement between the HST Authority and Caltrans.

775-7

#10 - Intersections and roadway segments analyses for the Golden State Blvd closure is included in the EIR/EIS which includes the intersection of SR 99 ramps at Belmont Avenue. The traffic analysis presented in Section 3.2 Transportation and the Transportation Technical Report, identifies roadway segments and intersections that would be impacted with Golden State Blvd closure and proposes mitigation measures to reduce the project impact to a less than significant level.

#11 - The proposed project would provide approximately 5,000 additional parking spaces in parking structures by Year 2035 in the immediate vicinity of the project. The parking structures would provide designated long-term and short-term parking spaces. Parking analysis for the proposed project is conducted and documented in Chapter 2, Section 3.2, and Section 3.13 of the EIR/EIS and in the Transportation Technical Report.

#12 - The traffic analysis performed for the proposed project indicates that all existing roads in the vicinity of the Fresno station will have either have adequate capacity, or will require specific mitigation, in order to address the expected traffic volume. This is documented in Chapter 3.2 of the EIR/EIS. A parking structure with a capacity of 1,125 spaces is planned on the west side of the HST tracks between Fresno Street and Mariposa Street on the north and south, and E Street and SR 99 on the east and west. All of the planned parking would not be required at the time the proposed Fresno HST station is opened. Instead, parking would be provided as demand requires. The Authority will work with the city of Fresno to determine when additional parking should be provided for the station and the sequencing of planned parking facilities.

775-8

#13: See MF-Response-CULTURAL-1. Suggested text added to page 3.17-31.

#14: MF-Response-CULTURAL-7.

775-9

The Project definition includes the construction footprint of 100 foot as well as any extension of roadway projects necessary to accommodate the HST project. The EIR/EIS covers both the environmental review process for NEPA as well as CEQA and will be

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used for permitting purposes.

The Authority has worked closely with Caltrans to identify all potential encroachments within the Caltrans right of way. Through an agreement Caltrans agreed that the CHSRA Merced to Fresno Section Final EIS would cover all obligations for Caltrans environmental documentation and processes under both CEQA and NEPA. However, for Caltrans internal review process, the Authority agreed to develop Project Report Attachment II which extracts necessary environmental documentation for each encroachment or modification on the State Highway System. This initial draft was submitted on June 9, 2011. Caltrans provided comments. The Authority will resubmit the final project report and Attachment II before the record of decision is reached.